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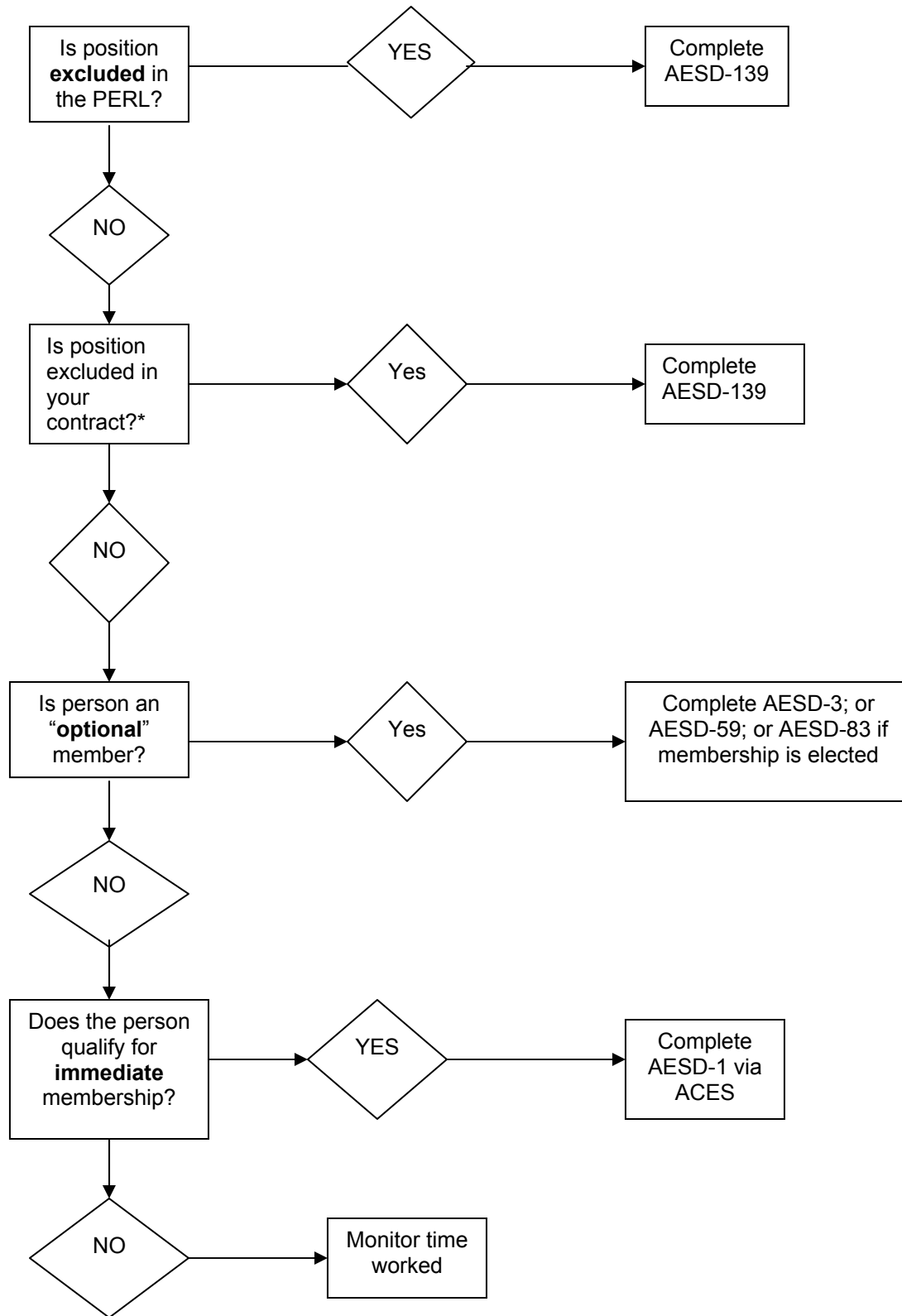
**MEMBER SERVICES DIVISION
TELEPHONE DIRECTORY**

CalPERS Employer Contact Center (888) CalPERS (225-7377)

General Information (TDD only)..... (916) 795-3240

Facsimile (Fax) Number (916) 795-3287

DETERMINING MEMBERSHIP ELIGIBILITY



POSITIONS EXCLUDED BY RETIREMENT LAW (PERL) FROM CALPERS COVERAGE

A. MEMBERS OF OTHER RETIREMENT SYSTEMS:

Persons who are receiving service credit in another public retirement system (federal, state, county, city, or other local) are excluded from receiving credit with CalPERS for that same service by Government Code section 20303.

NOTE: Persons **can** have dual membership in two or more public retirement systems, as long as it is for **different service**.

B. INDEPENDENT CONTRACTORS:

Independent contractors are not “employees” and are excluded from membership in CalPERS by Government Code section 20300(b). An independent contractor is someone who contracts to do a piece of work according to his/her own methods, and is subject to his/her employer’s control only as to the **end product or final result** of work, and not as to the means and manner in which the work is performed.

CalPERS uses the “Common Law Control Test” extracted from the ***State Social Security Administrators’ Handbook*** as a guide to determining employee/contractor status.

C. ELECTED OR APPOINTED OFFICERS:

Government Code sections 20320-20325 exclude certain public officers and employees from membership unless an election is filed with CalPERS to waive the exclusion and establish membership. Those persons qualifying for “optional” membership rights are predominately, but not limited to, elected and appointed officers of public agencies, schools, and the State of California. Refer to the “Optional Members of CalPERS” section for more complete information to determine who is excluded but eligible under optional member provisions.

D. STUDENT ASSISTANTS/AIDES:

A student in public school who is also employed in the same district in which he/she is a student and whose student status is a prerequisite for employment, is excluded from CalPERS membership by Government Code section 20300(c).

E. TEMPORARY TEACHER-ASSISTANT CERTIFICATE:

Persons employed as teacher-assistants under Education Code section 44926 (who possess a temporary certificate to serve as a teacher-assistant) are excluded from CalPERS membership by Government Code section 20300(d).

F. PROFESSIONAL LEGAL SERVICES TO A CITY:

Persons rendering professional legal services to a city are excluded under Government Code section 20300(h) with the exception of persons in one of the following offices:

- The office of city attorney;
- The office of assistant city attorney; or
- An established position of deputy city attorney.

HOWEVER, any city attorney, assistant city attorney, or deputy city attorney continuously holding the same office since June 30, 1994, may also be eligible as an “elective officer” for the optional member provisions of Government Code section 20322. Refer to the “ATTORNEYS AT CITIES” segment under the ‘OPTIONAL MEMBERS OF CalPERS’ section for further information.

POSITIONS EXCLUDED BY RETIREMENT LAW (PERL) FROM CALPERS COVERAGE

G. JOB TRAINING PARTNERSHIP ACT

PARTICIPANTS:

Such persons are excluded from CalPERS membership by Section 20300(f), except for 'safety' employees or career staff employees.

F. INMATES OF PUBLIC AGENCY INSTITUTIONS:

(e.g., a prison/penitentiary or mental hospital): Such persons are excluded from CalPERS membership by Section 20300(a) even if receiving compensation for such services they perform.

CONTRACT EXCLUSIONS: Section 20502 gives CalPERS authority to grant to contracting agencies exclusions from CalPERS coverage. Such exclusions may **not** be made for individual employees (City Manager, Fire Chief, etc.) but must be for groups of employees such as by departments or duties. Any exclusions in your agency's CalPERS contract are shown in your Annual Employer Statement.

Such exclusions, when granted, are effective **only** with respect to **future** entrants into such a group; persons employed in this group **prior** to the exclusion are **not** affected by the addition of this exclusion.

INVALID/SUPERSEDED CONTRACT EXCLUSIONS:

Section 20305 states that this section "shall supersede any contract provision excluding persons in any temporary or seasonal employment basis and shall apply only to persons entering employment on or after January 1, 1975."

There are some agencies with contract exclusions which were granted to their contract prior to January 1, 1975, where the reason/basis for the exclusion was the "temporary" or "seasonal" employment base of the employees. Such exclusions have been superseded by Section 20305; therefore, the exclusion no longer applies with respect to employees entering such employment after January 1, 1975.

EXAMPLE: If your contract excludes "Temporary Extra-Help Clerical Employees" from July 1, 1968, this exclusion **has** been superseded by Section 20305; employees entering such category after January 1, 1975, are not bound by this contract exclusion and should enter membership upon meeting the normal qualifications.

“OPTIONAL” MEMBERS OF CALPERS

The Government Code provides “optional” membership rights for certain public officers and employees. Those eligible “optional members” are excluded unless **an election** for membership is filed with CalPERS.

If membership is elected and established:

- 1) Other than the choice whether or not to elect retirement coverage, optional members are subject to the standard CalPERS laws and regulations that apply to non-optional members.
- 2) There is no Government Code provision to opt out of membership prior to separation from employment. Once elected, the membership must be continued for all future consecutive optional member positions with the same employer as long as the future positions are not excluded by law or contract.

“Optional” members at public agencies and schools are typically those defined as “elective officers” under Government Code section 20322 and those part-time employees eligible through an employer resolution adopting Section 20325. State elected officers as well as the California State Legislature staff employees are designated as optional members under Sections 20322 and 20324. (Optional membership provisions for other State employees are not detailed in this manual.)

NOTE: Legislative changes starting in 1994 have made “optional” member status determinations more complex. This section provides basic information by employer and/or optional position category to assist in making those determinations. However, if in doubt or if additional questions arise, please contact CalPERS.

CITIES AND COUNTIES

Legislation effective in 1994 and 1997 expanded the exclusion from membership to include certain classifications not previously excluded and to certain classifications previously excluded but provided optional membership rights. The 1994 legislation also removed certain attorney classifications at cities from the optional member category and, thus, mandated membership if working

qualifying time and if not excluded by contract or other provisions of the law.

Employees in positions impacted by either legislation were/are not subject to a new law while continuously employed in the position held on the day prior to its effective date. Per Section 20039 the final compensation of a elective or appointed officer on a city council or a county board of supervisors accrued while in these positions shall be based on the highest average annual compensation earned while on the city council or county board of supervisors. This section applies to a member first elected or appointed to the city council or county board of supervisors on or after July 1, 1994, or elected or appointed to a term of office not consecutive with the term of office held on June 30, 1994.

NOT ELIGIBLE FOR MEMBERSHIP:

- Elected or appointed officials who do not receive compensation other than reimbursement of expenses.
- Elected or appointed officials excluded by contract. (Note: Time base exclusions, such as temporary, intermittent, hourly, and daily paid, do not apply since optional members are considered full-time, permanent employees.)
- Persons appointed for a fixed term of office or elected to office on a public commission, board, council, or similar legislative or administrative body **other than** a city council or county board of supervisors who were elected or appointed:
 - For the first time on or after January 1, 1997; OR
 - After a break in service from the appointed or elected position held on December 31, 1996.

NOT “OPTIONAL”-ELIGIBLE FOR MEMBERSHIP UNDER NON-OPTIONAL PROVISIONS:

- Persons holding an office of city attorney or an office of assistant city attorney may fall under this category. Refer to the “ATTORNEYS AT CITIES” section for further eligibility criteria.

“OPTIONAL” MEMBERS OF CALPERS

ELIGIBLE FOR OPTIONAL MEMBER RIGHTS:

- Persons elected to a city council or county board of supervisors.
- Persons appointed to a fixed term of office or elected to office who **do not serve** on public commissions, boards, councils, or similar legislative or administrative bodies.
- Persons appointed for a fixed term of office or elected to office:
 - who **do** serve on a public commission, board, council, or similar legislative or administrative body (*other than a city council or county board of supervisors*); AND
 - who have **continuously** served in the appointed or elected office held on December 31, 1996.
- Persons continuously serving in an office of city attorney held on June 30, 1994. Refer to the “ATTORNEYS AT CITIES” section for further eligibility criteria.
- Persons continuously serving in an office of assistant city attorney held on June 30, 1994, whose employer adopted and filed prior to that date a resolution with CalPERS for then Government Code section 20361.3 (repealed July 1, 1994). Refer to the “ATTORNEYS AT CITIES” section for further eligibility criteria.

GENERAL PROVISIONS/INSTRUCTIONS:

- Optional membership should not be established unless the eligible officer signs an election to join CalPERS.
- Membership may be elected at any time while in an eligible position. However, membership is established on a prospective basis, usually with the effective date matching the first day of the pay period starting after the membership election is signed.
- Any person concurrently employed in a position also covered by or potentially covered by CalPERS, should first contact CalPERS to determine the impact should optional membership be elected.
- Any person **concurrently** employed in a position reportable to a private benefit plan or another retirement system, should first contact that organization to determine if CalPERS membership will impact their benefits.
- A person appointed to an unexpired elected term of office has the same optional membership rights as if elected in his/her own right.
- Once optional membership is elected, it must be continued for all future consecutive optional member positions with the same employer which are not excluded by law or contract. A member cannot receive a refund or retire from CalPERS while continuing to hold an optional position for which membership was established.

NOTE: There is no provision to opt out of CalPERS membership while remaining in the position even if compensation is waived.

- Optional members under Government Code section 20322 are entitled to full-time permanent status and service credit. For reporting instructions refer to “Full-time Service Credit—Elected Officials” in the payroll section of this manual.
- Refer to the “Election of Optional Membership, PERS-AESD-59” for instructions on when and how to establish optional membership. **This form can be downloaded.**
- An optional member may elect to contribute and receive service for previous qualifying employment. When purchasing previous service credit, an officer must purchase all previous optional member service, not just part of it. Such election would not change the membership date back to the beginning date of the service purchased.
- An officer who is no longer in office, but is currently an active or inactive CalPERS member, may also elect to contribute for previous qualifying optional employment.

“OPTIONAL” MEMBERS OF CALPERS

- See the booklet “CalPERS Service Credit Purchase Options Booklet (PERS-PUB-12)” or refer to the “Redeposit of Withdrawn Contributions and Other Types of Service instructions on submitting a credit inquiry. Do not attach the inquiry to the AESD-59 or the AESD-1; it should be submitted separately. **The CalPERS Service Credit Purchase Options Booklet (PERS-PUB-12) can be downloaded at www.calpers.ca.gov.**

PUBLIC SCHOOLS

Legislation effective in 1994 expanded the exclusion from membership to include certain classifications not previously excluded and to certain classifications previously excluded but provided optional membership rights. Employees in positions impacted by either legislation were/are not subject to a new law while continuously employed in the position held on the day prior to its effective date.

NOT ELIGIBLE FOR MEMBERSHIP:

- Elective officers who do not receive compensation other than reimbursement of expenses.
- Elective officers excluded by contract. (Note: Time base exclusions, such as temporary, intermittent, hourly, and daily paid, do not apply since optional members are considered full-time, permanent employees.)
- Elected or appointed officials serving on public commissions, boards, councils, or similar legislative or administrative bodies if elected:
 - For the first time on or after July 1, 1994; **OR**
 - After a break in service from the elected or appointed position held on June 30, 1994.

NOTE: Prior to July 1, 1994, these appointed positions were eligible under standard non-optional regulations with membership established only if working a qualifying time base. The 1994 legislation (Senate Bill 53) totally

ELIGIBLE FOR OPTIONAL MEMBER RIGHTS:

- Elective officers of a county superintendent of schools, school district, or community college district who serve on a public commission, board, council, or similar legislative or administrative body if continuously serving in the office held on June 30, 1994.
- County level board of education members—refer to the following “General Provisions/Instructions” for further eligibility information.
- Persons elected by the people who do not serve on legislative or administrative bodies. (Elected superintendent of school positions that are subject to the State Teachers’ Retirement System are not eligible for CalPERS membership.)

GENERAL PROVISIONS/INSTRUCTIONS:

- “Optional” membership should not be established unless the eligible officer signs an election to join CalPERS.
- Membership may be elected at any time while in an eligible position. However, membership is established on a prospective basis, usually with the effective date matching the first day of the pay period starting after the membership election is signed.
- Any person concurrently employed in a position also covered by or potentially covered by CalPERS, should first contact CalPERS to determine the impact should optional membership be elected.
- Any person concurrently employed in a position reportable to a private benefit plan or another retirement system, should first contact that organization to determine if CalPERS membership will impact their benefits.
- A person appointed to an unexpired elected term of office has the same optional membership rights as if elected in his/her own right.

“OPTIONAL” MEMBERS OF CALPERS

- Once optional membership is elected, it must be continued for all future consecutive optional member positions with the same employer which are not excluded by law or contract. A member cannot receive a refund or retire from CalPERS while continuing to hold an optional position for which membership was established.

NOTE: There is no provision to opt out of CalPERS membership while remaining in the position even if compensation is waived.

- Optional members under Government Code section 20322 are entitled to full-time permanent status and service credit. Refer to “Full-time Service Credit—Elected Officials” in the payroll section of this manual for reporting instructions.
- Refer to the “Election of Optional Membership, PERS-AESD-59” for instructions on when and how to establish optional membership. This form can be downloaded at www.calpers.ca.gov.
- An optional member may elect to contribute and receive service for previous qualifying employment. When purchasing previous service credit, an officer must purchase all previous optional member service, not just part of it. Such election would not change the membership date back to the beginning date of the service purchased.
- An officer who is no longer in office, but is currently an active or inactive CalPERS member, may also elect to contribute for previous qualifying optional employment.
- See the booklet “Service Credit” or refer to the “Redeposit of Withdrawn Contributions and Other Types of Service Credit” section of this manual for further instructions on submitting a credit inquiry. Do not attach the inquiry to the AESD-59 or the AESD-1; it should be submitted separately. The CalPERS Service Credit Purchase Options Booklet (PERS-PUB-12) can be downloaded at www.calpers.ca.gov.

COUNTY BOARD OF EDUCATION

MEMBERS:

For CalPERS purposes, these county level board members are considered county employees rather than employees of the county schools, county office of education, etc., even if the board is fiscally independent of the county. In addition to otherwise stated requirements, elected County Board of Education Members have optional member rights only if:

- The position is compensated other than for reimbursement of expenses;
- The board member has continuously served in the elected county board position held on June 30, 1994; AND
- The county contracts for CalPERS coverage and does not exclude the position; OR
- The county schools, county office of education, etc., adopted and filed a resolution on or prior to June 30, 1994, for then Government Code section 20361.2 (repealed July 1, 1994).

CONTRACTING AGENCIES—OTHER THAN CITIES, COUNTIES, AND SCHOOLS

Legislation effective in 1994 expanded the exclusion from membership to include certain classifications not previously excluded and to certain classifications previously excluded but provided optional membership rights. Employees in positions impacted by either legislation were/are not subject to a new law while continuously employed in the position held on the day prior to its effective date.

“OPTIONAL” MEMBERS OF CALPERS

NOT ELIGIBLE FOR MEMBERSHIP:

- Elective officers who do not receive compensation other than reimbursement of expenses.
- Elective officers excluded by contract. (Note: Time base exclusions, such as temporary, intermittent, hourly, and daily paid, do not apply since optional members are considered full-time, permanent employees.)

Elected or appointed officials at a contracting agency who serve on public commissions, boards, councils, or similar legislative or administrative bodies if elected:

- For the first time on or after July 1, 1994.
- After a break in service from the elected or appointed position held on June 30, 1994.

NOTE: Prior to July 1, 1994, these appointed positions were eligible under standard non-optional regulations with membership established only if working a qualifying time base. The 1994 legislation (Senate Bill 53) totally excluded them from membership.

ELIGIBLE FOR OPTIONAL MEMBER RIGHTS:

- Elective officers at a contracting agency who serve on a public commission, board, council, or similar legislative or administrative body if continuously serving in the office held on June 30, 1994.
- Persons elected by the people who do not serve on legislative or administrative bodies.

GENERAL PROVISIONS/INSTRUCTIONS:

- “Optional” membership should not be established unless the eligible officer signs an election to join CalPERS.

- Membership may be elected at any time while in an eligible position. However, membership is established on a prospective basis, usually with the effective date matching the first day of the pay period starting after the membership election is signed.
- Any person concurrently employed in a position also covered by or potentially covered by CalPERS, should first contact CalPERS to determine the impact should optional membership be elected.
- Any person concurrently employed in a position reportable to a private benefit plan or another retirement system, should first contact that organization to determine if CalPERS membership will impact their benefits.
- A person appointed to an unexpired elected term of office has the same optional membership rights as if elected in his/her own right.
- Once optional membership is elected, it must be continued for all future consecutive optional member positions with the same employer which are not excluded by law or contract. A member cannot receive a refund or retire from CalPERS while continuing to hold an optional position for which membership was established.

NOTE: There is no provision to opt out of CalPERS membership while remaining in the position even if compensation is waived.

- Optional members under Government Code section 20322 are entitled to full-time permanent status and service credit. For reporting instructions refer to “Full-time Service Credit—Elected Officials” in the Payroll Reporting Procedures section of this manual.
- Refer to the “Election of Optional Membership, PERS-AESD-59” for instructions on when and how to establish optional membership.

“OPTIONAL” MEMBERS OF CALPERS

- An optional member may elect to contribute and receive service for previous qualifying employment.

When purchasing previous service credit, an officer must purchase all previous optional member service, not just part of it. Such election would not change the membership date back to the beginning date of the service purchased.

- An officer who is no longer in office, but is currently an active or inactive CalPERS member, may also elect to contribute for previous qualifying optional employment.
- See the booklet “Service Credit” or refer to the “Redeposit of Withdrawn Contributions and Other Types of Service Credit” section of this manual for further instructions on submitting a credit inquiry. Do not attach the inquiry to the AESD-59 or the AESD-1; it should be submitted separately. The Service Credit Booklet (PERS-PUB-12) can be downloaded at www.calpers.ca.gov.

STATE OF CALIFORNIA

Government Code sections 20322 and 20324 provide optional membership rights to certain qualifying compensated State employees. Those provisions, related to elected State officers and employees of the State Legislature, are briefly covered herein.

ELIGIBLE FOR OPTIONAL MEMBER RIGHTS:

- Persons elected by the people. [Government Code section 20322]
- Any officer of the Senate or the Assembly who is elected by either or both such houses of the California State Legislature. [Government Code section 20322]
- Employees of the Senate or the Assembly, whose salaries are paid from the operating funds of the Senate or the Assembly. [Government Code section 20324]

GENERAL PROVISIONS/INSTRUCTIONS:

- “Optional” membership should not be established unless the eligible officer signs an election to join CalPERS.
- Membership may be elected at any time while in an eligible position. However, membership is established on a

prospective basis, usually with the effective date matching the first day of the pay period starting after the membership election is signed.

- Any person concurrently employed in a position also covered by or potentially covered by CalPERS, should first contact CalPERS to determine the impact should optional membership be elected.
- Any person concurrently employed in a position reportable to a private benefit plan or another retirement system, should first contact that organization to determine if CalPERS membership will impact their benefits.
- A person appointed to an unexpired elected term of office has the same optional membership rights as if elected in his/her own right.
- Once optional membership is elected, it must be continued for all future consecutive optional member positions with the same employer which are not excluded by law or contract. A member cannot receive a refund or retire from CalPERS while continuing to hold an optional position for which membership was established.

NOTE: There is no provision to opt out of CalPERS membership while remaining in the position even if compensation is waived.

- Optional members under Government Code section 20322 are entitled to full-time permanent status and service credit. For reporting instructions refer to “Full-time Service Credit—Elected Officials” in the payroll Reporting Process of this manual.
- Legislative staff employees: Though optional member status is provided by Government Code section 20324, membership can not be established unless the employee is working qualifying time, based on the same criteria as applied to non-optional members. Service credit is reported according to actual time worked.

“OPTIONAL” MEMBERS OF CALPERS

Membership election forms to be used:

– Section 20322: PERS-AESD-59. Refer to the “Election of Optional Membership, PERS-AESD-59” for the “Election of Optional Membership, PERS-AESD-59” for instructions on when and how to establish optional membership adjusting as needed for PIMS (Personal Information Management System) membership reporting.–

Section 20324: The PERS-AESD-3. The AESD-59 instructions can be used as general guidelines for submitting the AESD-3.

These forms can be viewed and downloaded by visiting the CalPERS web site at www.calpers.ca.gov.

- An optional member may elect to contribute and receive service for previous qualifying employment. Such election would not change the membership date back to the beginning date of the service purchased.
- When purchasing previous service credit: an “elective officer” (Gov. Code sec. 20322) must purchase all previous optional member service, not just part of it.
- When purchasing service credit a “legislative employee” (Gov. Code sec. 20324) shall have the option as to how much of his or her previous legislative service is to be credited.
- An officer who is no longer in office, but is currently an active or inactive CalPERS member, may also elect to contribute for previous qualifying optional employment.

See the booklet “Service Credit Purchase Options” or refer to the “Redeposit of Withdrawn Contributions and Other Types of Service Credit” section of this manual for further instructions on submitting a credit inquiry. Do not attach the inquiry to the AESD-59 or the AESD-1; it should be submitted separately. The Service Credit Purchase Options Booklet (PERS-PUB-12) can be downloaded at www.calpers.ca.gov.

CITY ATTORNEYS:

Government Code section 20300(h) excludes persons rendering professional legal services to a city with the **exception** of persons in one of the following offices:

- the office of city attorney; or
- the office of assistant city attorney; or
- an established position of deputy city attorney.

Government Code section 20322 included city attorneys in the definition of “elective officers” and provided optional membership rights from March 4, 1972 to July 1, 1994.

Government Code section 20361.3 (repealed July 1, 1994) included assistant city attorneys in the definition of “elective officers” and provided optional membership rights from January 1, 1986 to July 1, 1994, if the employer adopted a resolution for this Code.

NOT “OPTIONAL”-ELIGIBLE FOR MEMBERSHIP UNDER NON-OPTIONAL PROVISIONS:

- Any person holding the office of city attorney or assistant city attorney whether employed, appointed, or elected except as cited in the following section.

“OPTIONAL” MEMBERS OF CALPERS

ELIGIBLE FOR OPTIONAL MEMBER RIGHTS:

- Any person holding the office of city attorney who:
 - Is continuously serving in the office held on June 30, 1994; AND
 - Assumed the position after March 4, 1972. If in office prior to this date, contact CalPERS for instructions.
- Any person continuously serving in the office of assistant city attorney held on June 30, 1994, whose employer adopted and filed a resolution on or prior to that date, for then Government Code section 20361.3.

GENERAL PROVISIONS/INSTRUCTIONS:

- A person holding the office of city attorney is an ‘employee’ for CalPERS purposes, even if employed on a contractual basis, as long as the duties to be performed are not limited and the position is not excluded by contract.
- Employer contract exclusions of elective officers that were effective after March 4, 1972, would also apply to and exclude city attorneys. Such contract exclusions effective prior to that date would not apply to city attorneys.

- For CalPERS purposes, the terms “deputy city attorney” and “assistant city attorney” have often been used interchangeably with the rights and exclusions stated for one applying to the other.
- Refer to the “*CITIES AND COUNTIES, GENERAL PROVISIONS/INSTRUCTIONS*” for further information applicable to attorneys at cities who are still eligible under optional member provisions.

Reminder: Attorneys in a designated city office who are no longer eligible under optional member provisions are subject to the standard mandatory membership qualification guidelines as used for any other non-optional city employee. Once membership is established, service credit should be reported according to the actual time worked.

PART-TIME EMPLOYEES

A more recent category of “optional” members are part-time employees of a contracting agency, a school or community college district, or a county superintendent of schools. The employer may amend its contract (for contracting agencies) or adopt a resolution (for school employers) to provide Government Code section 20325 for its part-time employees. Such employees may elect membership in CalPERS by completing form PERS-AESD-229. If such amendment or resolution is adopted, all employees eligible to elect membership are automatically subject to the same Social Security coverage provided for members whether or not they elect membership.

CALPERS MEMBERSHIP ELIGIBILITY

Persons who are current members of CalPERS do not need to “**re-qualify**” for membership. This applies **even** if membership was established through employment with another CalPERS agency or if they are not currently working and are on “inactive” status with CalPERS. The exceptions to this rule are:

- Person enters a position that is excluded by law, or by an agency’s contract.
- Person is working an “**Overtime**” position.

If a person has funds on deposit or service credit with CalPERS, or if they have met the criteria for membership but have not actually been enrolled yet, they are a current “member.” Once in membership, a person remains in membership until (1) they take a refund of contributions after permanently separating from CalPERS-covered employment or (2) they retire.

You can determine whether or not a person is currently a member of CalPERS by;

1. Ask the employee; or
2. Using the **Participant Inquiry** function of the ACES system, **or**
3. Contacting CalPERS

Many employees should enter CalPERS membership **immediately upon employment** (Gov. Code section 20281). However, there are some employees who must work a certain number of hours/days (commonly referred to as “qualifying time”) before they are eligible for membership, such as the following:

FULL-TIME EMPLOYEES:

Persons in full-time employment whose appointment/employment does not fix a term of employment **longer than six months** should be monitored; if full-time employment actually continues for more than six months, membership is compulsory. The effective date is not later than the first day of the first pay period of the seventh month of employment.

LESS THAN FULL-TIME EMPLOYEES: For the majority of positions (including schools; Section 20635.1), CalPERS deems “full-time” employment to be **40 hours per week**; as defined by Section 20065, any amount of time worked less than this may be considered “less than full-time”. However, the most important and commonly used guideline to consider for less than full-time employees is **1000 hours or 125 days in a fiscal year**. (125 8-hour days equals 1000 hours.) This standard is the equivalent of a 20-hour week for 50 weeks out of the year and is stated in Government Code section 20305(a)(3)(B).

IMPORTANT NOTE: These criteria can be met by employees who are working *more than one position under the same employer*. A person working a permanent 10-hour a week position, and a permanent 12-hour a week position with the same employer, **would** qualify for immediate membership, by combining service of both positions. (All employees of a school district with the sole exception of “School Safety Members” –are considered to be employees of the County Superintendent of School, and thus the **same employer**, for CalPERS purposes; (Gov. Code section 20610.) Therefore, service with **different districts within the same county** should be added together for purposes of meeting the membership criteria.

CALPERS MEMBERSHIP ELIGIBILITY

The general principles to follow to determine when and if someone is eligible for membership, if not excluded by contract or by law are as follows:

1. Persons who are already members of CalPERS are **not** excluded from membership because they are working less than full-time.[Government Code section 20305(a)(1)]
2. Persons enter membership upon appointment to a position with one of the following conditions:
 - a. The appointment/employment fixes a term of **full-time, continuous** employment in excess of six months.
 - b. The position requires **regular, part-time** service for at least an average of 20 hours per week (or its equivalent) for one year or longer.
3. Persons must otherwise be **monitored** to determine when and if they qualify for membership.

Qualification for membership is reached when:

- a. No term (length) of appointment is specified in the appointment/employment, but full-time employment continues longer than **six months**.
- b. The person works more than 125 days in a fiscal year if paid on a “per diem” basis (i.e., “per day”). For this purpose, “day” means each 8 hours of compensated service; e.g. a firefighter working a 24- hour shift is working 3 “days” per shift.
- c. The person works 1,000 hours in a fiscal year if paid on other than a per diem basis. Any overtime hours worked is counted as qualifying time.

In such cases, membership becomes effective **no later than** the first day of the next pay period after (a) the sixth month of full-time employment or (b) completion of 1000 hours or 125 days.

NOTE:

The provisions concerning less than full-time employees were formerly found in Sections 20334 and 20336 of the Government Code; under Chapter 1168, Statutes of 1993, however, these provisions were all incorporated into Section 20305 without substantive change.

FAILURE TO TIMELY ENROLL A MEMBER

It is the employer’s responsibility to determine if its employees are eligible to participate in CalPERS. If an employer has failed to enroll an eligible employee into CalPERS membership within 90 days of qualifying when the employer knows or can reasonably be expected to have known of that eligibility, the employer shall be responsible for arrears of the member contributions. The \$500 administrative cost per member will be transferred out of the employer reserve account to the member account as pre-tax contributions regardless of whether or not the employer reports tax-deferred member contributions. The \$500 administrative cost per member will be transferred from the employer reserve account to CalPERS’ current year budget. Please note that the administrative cost “is not a fee or penalty” to the agency – rather it is a reimbursement to CalPERS for costs associated with the process administering Government Code Section 20283. Employer Contributions will be absorbed through the rate-setting process, and employers will not be billed directly for those contributions.

NOTICE OF EXCLUSION FROM CALPERS MEMBERSHIP

For employees who do not qualify for CalPERS membership, the “Notice of Exclusion” form CalPERS Membership (PERS-AESD-139) should be completed. The completed form should be given to the employee in order to inform them of the specific reason for their exclusion and to fulfill the employer’s responsibility of notification. Do **NOT** send copies of this form to CalPERS, although, a copy should be kept with the employee’s records.

INSTRUCTIONS TO COMPLETE THE NOTICE OF EXCLUSION FROM CALPERS MEMBERSHIP (AESD-139)

ITEM	INSTRUCTIONS
1. Social Security Number	Enter the employee's Social Security number. Verify with the Social Security card.
2. Current Name	Enter the employee's full name.
3. Name of Public Agency	Enter agency's name.
4. Public Agency or School	Enter the agency or school district, if applicable.
5. Job or Position Title	Enter the employee's job or position title.
6. Term of Appointment	Check permanent or temporary.
7. If Temporary	For limited-term appointments, enter the number of months the appointment is expected to last.
8. Appointment Date	Enter the date when compensation for employment begins.
9. Time Base	Enter "X" in the box that identifies the time schedule this employee will work. If PART-TIME is selected, enter the fraction of FULL-TIME in the lines provided at the far right of this line. This fraction must be expressed as a 3-digit numerator over a 3-digit denominator (whether you use hours, percentage or a fraction in figuring PART-TIME earnings for your employee.) When either the numerator or denominator is not a 3-digit number, be sure to enter zeros to the left so that all the boxes are filled. Do not use decimal points in the blocks.

Time Base Examples:

- 1) a. Number of hours per week to be worked 30 hours
 Number of hours per week considered FULL-TIME 40 hours
 Enter Fraction 030/040
- b. Number of hours per week to be worked 31.5 hours
 Number of hours per week considered FULL-TIME 40 hours
 Enter Fraction 315/400
- 2) Percentage of time to be worked 56.3%
 FULL-TIME 100%
 Enter Fraction 056/100
- 3) Fraction of time 3/4
 Enter Fraction 003/004

ITEM	INSTRUCTIONS
Seasonal or Limited-Term Appointment	An employee whose full-time, seasonal, or limited-term employment is limited to six months or less is excluded from membership
Less than 20 hours per week Appointment	A part-time employee employed to work less than an average of 20 hours per week is excluded from membership.
Irregular or Intermittent	An employee is excluded from membership if appointed on an on-call, intermittent, emergency, substitute, or other irregular basis until the employee has worked 1,000 hours or 125 days if paid on a per diem basis in the fiscal year (July 1 through June 30).

NOTE: *The above exclusions do not apply to persons who have funds on deposit or service credit with CalPERS. Check with employee for current membership status.*

INSTRUCTIONS TO COMPLETE THE NOTICE OF EXCLUSION FROM CALPERS MEMBERSHIP (AESD-139)

ITEMS	INSTRUCTIONS
CalPERS Contract Exclusion (Applies to Public Agencies Only)	Public Agencies by CalPERS contract agreement may exclude certain categories. (Refer to public agency Annual Employer Statement). Enter the specific exclusion which applies to the employee. Please refer to "Invalid/Superseded Contract Exclusions" on previous pages.
Professional Legal Service	<p>Persons rendering professional legal services to a city are excluded from membership.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1) A City Attorney, Assistant City Attorney, or Deputy City Attorney first entering employment on or after July 1, 1994, is subject to mandatory membership provisions. A person continuously holding such position since June 30, 1994, may have the option of membership. Refer to the "Election of Optional Membership — PERS-MEM-59" in this section for further information. 2) The person holding the office of Assistant City Attorney. 3) The person holding an established position of Deputy City Attorney.
Independent Contractor	Independent contractors or employees of independent contractors who are not employees of the agency are excluded from membership. See "Positions Excluded by Retirement Law", Paragraph B in this chapter.
Student Aide (Applies to SCHOOLS Only)	<p>Students who are employed by a school district in a position established for students only and attending school in the same district are excluded from membership. This includes students enrolled in a California teacher training institution with a temporary certificate to serve as a teacher assistant.</p> <p>Non-students or students from other districts employed in student positions are not excluded from membership under this provision.</p>
Signatures	Self-explanatory.

If you have any questions or need assistance completing the form, contact the CalPERS Employer Contact Center at (888) CalPERS (225-7377).

NOTICE OF EXCLUSION FROM CALPERS MEMBERSHIP (AESD-139)



NOTICE OF EXCLUSION FROM CalPERS MEMBERSHIP

1. SOCIAL SECURITY NUMBER	Your employer has contracted with CalPERS (CalPERS) to provide an employee benefit package which includes service retirement death, and disability benefits.		
2. CURRENT NAME (LAST)	(FIRST)	(MIDDLE)	
3. NAME OF DEPARTMENT		4. JOB OR POSITION TITLE	
5. TERM OF APPOINTMENT <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY	6. IF TEMPORARY, ENTER NEAREST NUMBER OF WHOLE MONTHS THE APPOINTMENT IS EXPECTED TO LAST. <div style="text-align: right;">MONTHS</div>		7. APPOINTMENT DATE <div style="display: flex; justify-content: space-between;"> MM DD YYYY </div>
8. TIME BASE <input type="checkbox"/> FULL-TIME <input type="checkbox"/> INDETERMINATE <input type="checkbox"/> PART-TIME IF PART TIME, ENTER THE FRACTION OF FULL TIME:			

In your present position with this agency, you are excluded from CalPERS membership because:

- ☐ 1. Your full-time seasonal or limited term appointment is limited to 6 months or less.
- ☐ 2. Your part-time appointment is limited to less than an average of 20 hours per week for less than one year.
- ☐ 3. Your appointment is an on-call, intermittent, emergency, substitute, or other irregular basis which excludes you from membership until you have worked 1,000 hours (or 125 days if paid on per diem basis) this fiscal year.
- ☐ 4. Your position is excluded by law.
- ☐ 5. You are an independent contractor (Personal Services Contract).

NOTE: If you are a member of CalPERS by previous employment (either you have funds on deposit or service credit), exclusions 1, 2, and 3 do not apply to you and you should be a member in your present position. Be sure to notify your employer to complete a (AESD-1) Member Action Request Form or appoint via ACES to report your employment to CalPERS.

If you believe that your employment does qualify you for CalPERS membership, ask your employer for an explanation. If you still have doubts, you may appeal directly to CalPERS by sending a letter to the Actuarial & Employer Services Division, Member Transaction Unit, at the address shown below, stating the reasons why you feel you should be a member.

SIGNATURE OF CERTIFYING OFFICER	TITLE	DATE
SIGNATURE OF EMPLOYEE		DATE

NOTE: Benefits provided by CalPERS are described in the "CalPERS Benefits" information booklet available from your employer.

CALPERS MEMBERSHIP ELIGIBILITY

ALTERNATE RETIREMENT PLAN GOVERNMENT CODE SECTION 20306

(Public Agencies and Schools)

Section 20306 was added to the Government Code by Chapter 1164, Statutes of 1996, Assembly Bill 2400. It provides that public agencies and school districts that have an alternate retirement plan established as a pension trust prior to July 1, 1997, must conduct an election among their non-safety members who are credited with less than five years of state service to determine whether they want to retain active CalPERS membership or participate in the alternate retirement plan if their time base drops below minimum membership thresholds.

Public agencies or school districts that establish an alternate retirement plan which meets the criteria outlined in Government Code section 20306 must conduct the election among their non-vested members².

At the end of each fiscal year, CalPERS will send to each affected public agency and school district, a list of employees who earned less than six months of service credit during that fiscal year. It will be the responsibility of each employer to determine whether or not the employees on the list should be reported to the alternate retirement plan. For example, if an employee on the list changed position from a part-time position to a full-time position, he/she would remain an active CalPERS member and would not be reported to the alternate retirement plan.

The flow chart on the next page will help you determine eligibility for the alternate retirement plan.

ALTERNATE RETIREMENT PROGRAM GOVERNMENT CODE SECTION 20281.5

(Non-Central State Agencies)

Effective August 11, 2004, legislation was enacted that required all newly hired State Miscellaneous employees to be placed in the Alternate Retirement Program (ARP) for the first 2 years after they qualified for CalPERS membership. Exclusions (i.e., Legislative Branch) to this are contained in Department of Personnel Administration Personnel Management Liaison Memo (PML) 2004-040. Attached to the PML is a worksheet which needs to be completed for each employee first hired with the State on or after August 11, 2004. The completed worksheet should be filed in the member's personnel file. Do not send it to CalPERS.

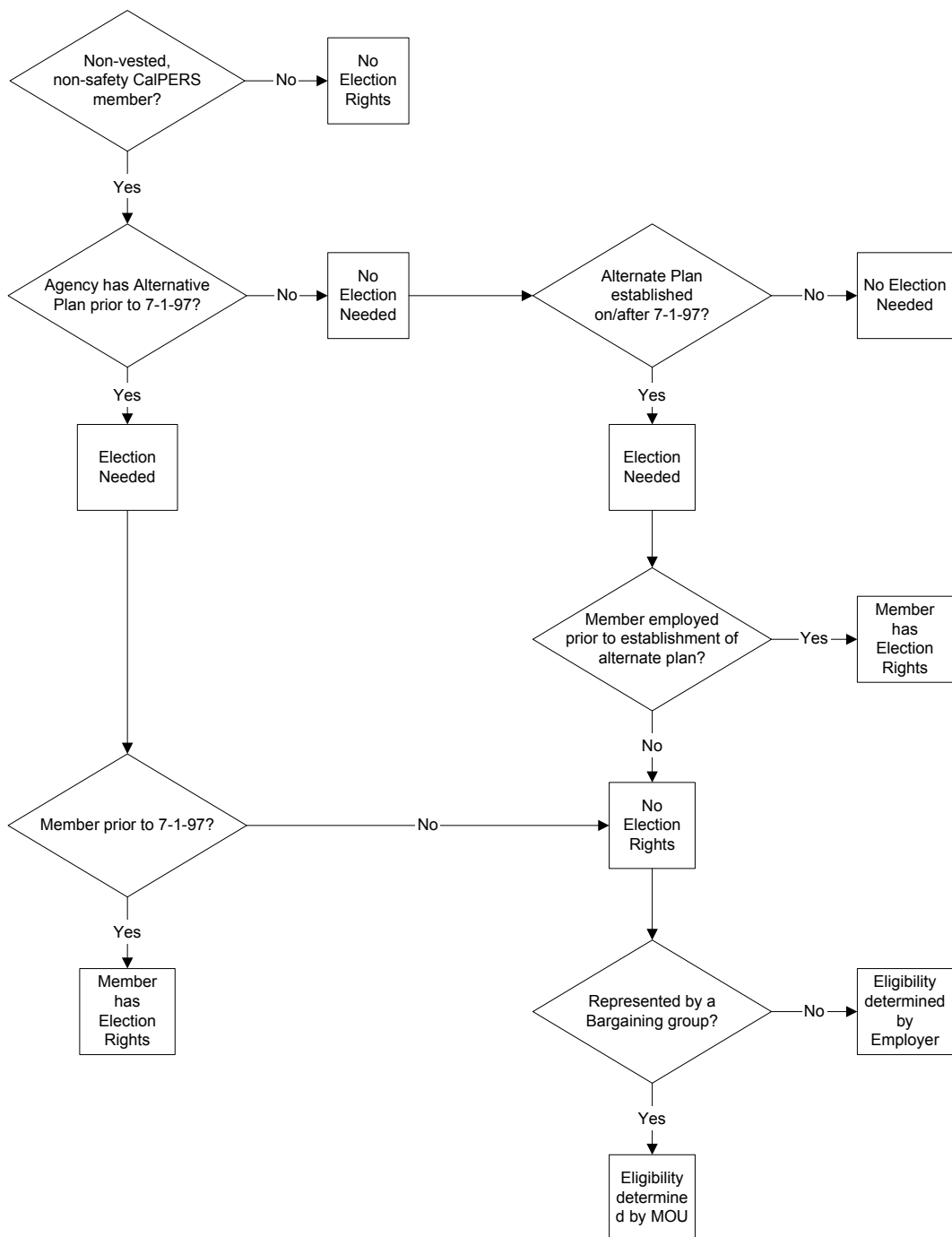
After completing the worksheet, use the appropriate coverage group code to enroll the member into CalPERS membership and to report the payroll. For a person in ARP, only the pay rate and earnings need to be reported for the payroll. Do not report the contributions that are going to ARP.

For additional election information and assistance, contact the Employer Contact Center at (888) CalPERS or 225-7377.

¹ "Article 1.5 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5"

² Refer to your plan administrator to determine if your plan was established according to the provisions of Section 20306(a)

Eligibility to Participate in the CalPERS/Alternate Retirement Plan Election



SCHOOL EMPLOYMENT: CALPERS OR CALSTRS?

PUBLIC SCHOOL POSITIONS IN CALIFORNIA ARE DIVIDED INTO TWO BASIC TYPES:

1. **CERTIFICATED:** An employee in a position requiring certification qualifications by or pursuant to the Education Code. Credentialed employees (e.g., teachers, administrators, health care, library media workers, etc.) are all in certificated positions.
2. **CLASSIFIED:** An employee in a non-certificated position (e.g., office workers, custodial staff, cafeteria workers, etc.).

In general terms, employees in certificated positions are, upon meeting normal qualification requirements, eligible for membership in the California State Teachers' Retirement System (CalSTRS), while classified employees may be eligible for membership in CalPERS. Pursuant to Government Code sections 20300(g), 20501 and 20580, CalPERS can cover school employees only with respect to employment in which they are not eligible for CalSTRS coverage. Some persons who are **eligible** for membership in CalSTRS or CalPERS may not actually **qualify** for membership in either system (due to "part-time" or "temporary/seasonal" status, etc.); thus, some school employees may not be members of either system until their working hours or conditions change.

The Education Code (which contains the laws governing CalSTRS) contains two basic provisions which may give persons certain rights with regard to choosing coverage under one system or the other:

Education Code Section 22508 (a) A person who is a CalSTRS Member, who subsequently is employed by a school district or county superintendent (or by the State in other certain cases; see "Inclusion" section below) in a position which requires CalPERS membership (e.g., a classified position), will enter CalPERS

membership in a new position. However, he or she may elect to remain a member of CalSTRS in the new position.

INCLUSION OF CERTAIN STATE EMPLOYEES

Education Code section 22508(b): A CalPERS member employed by a school district or a county superintendent, the State Department of Education, or the Board of Governors of the California Community Colleges, who then is employed in a position requiring CalSTRS membership (e.g., a certificated position), will enter CalSTRS membership in the new position. However, he or she may elect to remain a member of CalPERS in the new position.

1. Employees In Certain State Bargaining Groups

SB 1694 (Chapter 880, Statutes of 2000) amended Section 22508 of the Education Code, and now provides that this same election right will be given to CalSTRS members that enter State employment where one of the following conditions apply:

- A. The employee is represented by a State Bargaining Unit that represents educational consultants, professional educators, or librarians employed by the state; OR
- B. The employee is excluded from the definition of "State employee" in G.C. Section 3513(c), yet performs, manages or supervises work similar to employees under Subparagraph "A" above; OR
- C. The employee is in a non-civil service position in the Executive branch, yet performs, manages or supervises work similar to employees under Subparagraph "A" above.

SCHOOL EMPLOYMENT: CALPERS OR CALSTRS?

SB 1694 (Chapter 880, Statutes of 2000) amended Section 20309 of the Government Code, and now provides that this same election right will be given to CalPERS members that enter employment which requires membership in CalSTRS where the following conditions apply:

- A. The member is employed by the State Board of Governors of the Community Colleges or the State Department of Education;
- B. The employee obtains a position that requires employment with the county schools and community colleges after 9-11-2000.

SB 165 (Chapter 77, Statutes of 2001) again amended Government Code section 20309, which will also allow CalPERS members with five years of CalPERS credited service, who enter employment on or after 1-1-2002 that requires membership in CalSTRS, the right to elect to remain in CalPERS. The five years of service accrued under CalPERS can be with the State of California, Public Agency or County school employment or a combination thereof.

2. Persons Entering State Second-Tier Membership Between July 1, 1991 and September 11, 2000

AB 649 (Chapter 402, Statutes of 2000) added Section 22508.6 to the Education Code and Section 20309.5 to the Government Code, and provides that a "vested" CalSTRS member who enters State employment subject to the Second-Tier benefit plan may elect to have this service subject to CalSTRS rather than CalPERS, under the following conditions:

1. The member must have entered State employment within 30 days of separation from CalSTRS-covered employment;
2. The member must have had no other intervening employment;
3. The change of employment occurred between July 1, 1991 and September 11, 2000;
4. The member must be subject to the State Second Tier.

5. The member meets one of the following criteria:

- A. Is represented by a State Bargaining Unit that has agreed to an MOU making their represented employees subject to Section 20309.5;
- B. Is excluded from the definition of "State employee" in G.C. Section 3513(c), yet performs, manages or supervises work similar to employees under Subparagraph "A" above;
- C. Is in a non-civil service position in the Executive branch, yet performs, manages or supervises work similar to employees under Subparagraph "A" above.

These elections must be made in writing and a copy must be filed with **the elected system within 60 days** of entry into the new position. The election filed must be signed and dated by **both** the employee and employer. It should also indicate the date the employee entered the new position.

Send election to:

CalSTRS
P.O. Box 15275
Sacramento, CA 95851-0275

CalPERS
Member Services Division/Unit 841
P.O. Box 942704
Sacramento, CA 94229-2704

This right of election arises when the employee enters a position or has a major change in conditions of employment that requires membership in the other retirement system. If a person does not exercise the right of election **within 60 days** from their date of hire into the position, the right does **not** arise again. Once a person **does** exercise this right of election, this election is **irrevocable** and will remain in effect for **all** future school employment unless and until the person separates from employment and receives a refund of all accumulated contributions and interest. Should the employee return to employment and upon qualification, the employee would become a member of the retirement system that they qualify for in that position.

MEMBER ACTION REQUEST FORM (PERS-AESD-1)

You should also submit a Member Action Request (AESD-1) or appoint via ACES if the member is entering/leaving active CalPERS membership.

Use the **chart** following this section as a guide to determine the retirement system coverage for the employee.

The **Education Code** (which governs CalSTRS), not the **Government Code** (which governs CalPERS), contains the laws regulating this election of coverage. The final decision in any questionable situation (e.g., acceptance of "late" elections) must be made by CalSTRS, not CalPERS.

There are a number of factors that might influence a person's decision about coverage under one system or the other. Some of the differences between the two systems are the following:

1. CalPERS members may or may not have Social Security coverage (most do), whereas CalSTRS members generally do not;
2. The Benefit Factors based on age for service retirement may be different;
3. The employee contribution rates may be different;
4. Persons entering membership in either system between July 1, 1980 and December 31, 1998 may not be eligible to convert unused sick leave Credits to service credit at retirement.

We suggest you contact CalSTRS or the Member Services Division at CalPERS if you have any specific questions or need additional information relating to an employee's choice of coverage.

ADDITIONAL INFORMATION:

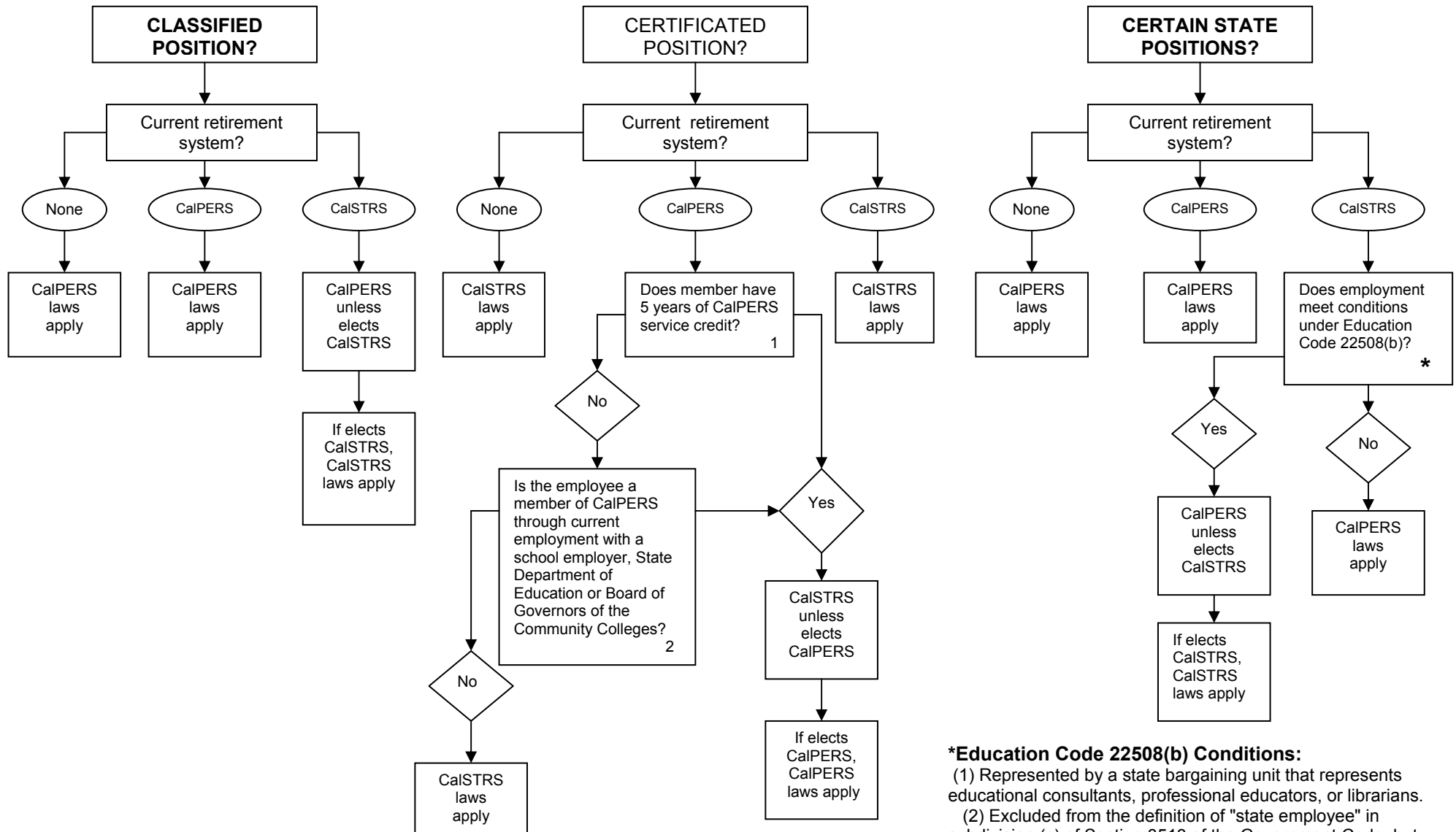
1. A person is a "member" of CalPERS or CalSTRS unless they have permanently separated from all employment covered by the system **and** received a refund of his or her contributions and interest on deposit.
2. It is possible to be an active (i.e., currently employed) member of both CalSTRS and CalPERS as long as this dual coverage is for **different positions**.
3. The right of election arises for a CalPERS member through **school employment**, Board of Governors, and the State Department of Education. If a person has CalPERS membership through some other type of employer (most State or contracting agencies), there is no right of election of coverage to remain a CalPERS member.
4. The right of election arises **after** one has been hired in a position that would be covered by the other retirement system. However, membership qualifications must be met in that retirement system, prior to appointment into membership with the retirement system.

The election only needs to be filed with the system indicated by the Education Code section; if you send a duplicate copy to the other system for informational purposes, it should be clearly labeled "COPY".

CalSTRS 1-800-228-5453

TDD (916) 229-3541 www.CalSTRS.com

CalPERS/CalSTRS RETIREMENT SYSTEM ELECTION



1 Government Code Section 20309 (Chap. 77, Stats. 2001) effective 1-1-2002

2 Government Code Section 20309 (Chap. 880, Stats 2000) effective 1-1-2001

*Education Code 22508(b) Conditions:

(1) Represented by a state bargaining unit that represents educational consultants, professional educators, or librarians.

(2) Excluded from the definition of "state employee" in subdivision (c) of Section 3513 of the Government Code, but performing, supervising, or managing work similar to work performed by employees described in paragraph (1).

(3) In a position not covered by civil service and in the executive branch of government, but performing, supervising, or managing work similar to work performed by employees described in paragraph (1).

MEMBERSHIP CATEGORIES

All CalPERS members employed by your agency will fall into one of the following general categories:

1. **Local Safety Members:** This category “includes all local police officers, firefighters, safety officers, county peace officers..., employed by a contracting agency who have by contract been included within this system.” (Government Code section 20420)
2. **Local Miscellaneous Members:** This category “includes all employees of a contracting agency who have by contract been included within this system, except local safety members.” (Government Code section 20383)
3. **School Members:** This category “includes all employees within the jurisdiction of a school employer, other than local police officers and school safety members.” (Government Code section 20370(d))
4. **School Safety Members:** “...any officer or employee of a school district or a community college district which has established a police department...whose principal duties consist of active law enforcement service.” (Government Code section 20444). This category shall only apply to a school district or a community college district that enters into a contract with the board on or after January 1, 1990.

For most employers, all or the large majority of their employees will be in the “local miscellaneous” or “school member” categories rather than a “safety” category.

Determination of an employee’s membership category is based on job classification or duties as defined in the Government Code and as specified in the agency’s contract with CalPERS. Your Annual Employer Statement will indicate if your agency has contracted to reclassify any positions from miscellaneous to a safety category.

Your agency should be aware of the fact that, apart from the “optional” contract

provisions to reclassify “miscellaneous” employees to the “safety” category, it is not permissible to report employees in a “safety” category whose job duties do not support such membership. You should refer to the definitions for Local Safety members on the following pages for definitions of such membership.

“Safety” membership most commonly requires service rendering either “active law enforcement” or “active firefighting” services. These persons are known as “safety” employees because they are engaged in protecting the public safety and may be exposed to physical risk during the course of employment. CalPERS relies upon an opinion of the Attorney General to define what is meant by the term “active” for safety service:

“It is suggested that active law enforcement work means ‘physically active’ work such as the arrest and detention of criminals... (T)he main reference is to duties which expose officers and employees to physical risk in the law enforcement field....”(22 Ops. Cal. Atty. Gen. 229)

Another important criterion in many of the sections defining “safety” membership is the requirement that a person be “employed and qualifying as patrol officers” or “employed and qualifying as firefighters”, irrespective of their current duties. This is particularly important for persons who are promoted to supervisory/managerial positions. Almost all agencies have established procedures in place (e.g., certification and/or academy training, physical fitness requirements, etc.) by which persons become “qualifying” as police or firefighters, and have standards (such as physical fitness) which must be met in order to maintain such status. Such persons who remain patrol officers/firefighters **could** (perhaps in special circumstances such as an emergency or a work stoppage) be required to return to regular “active” duties; accordingly, the “safety” status is appropriate even though the person’s current duties may not involve such duties.

MEMBERSHIP CATEGORIES

There are also other instances where persons have been given mandatory “safety” membership. For example, legislation passed in 1987 (AB 839, Chapter 1411) brought certain members employed between January 1, 1988, and October 2, 1989, into safety membership as “local firefighters” whose principal duties consisted of fire prevention and/or fire investigation. There have also been instances where persons rendering identification and communication duties (i.e., police dispatchers) have been given safety membership as “local police”.

CalPERS has had some cases in recent years where an employee was inappropriately retained in “safety” membership after receiving an appointment to a non-safety position (such as City Manager). Even if such a member was formerly in “safety” membership (e.g., as Police Chief or Fire Chief), safety membership cannot be given where the job duties do not support this status. **Inappropriate membership classification is one of the key factors that are investigated by CalPERS’ field auditors,** and corrective actions **will** be taken upon discovery by CalPERS staff of such inappropriate classifications.

If you are unsure about the proper membership category for a given position, submit a job description/duty statement to CalPERS, Actuarial and Employer Services Division, for a determination. This may also be done upon establishing a new position or upon significant change in the duties of a previous position.

The following definitions for Local Safety Members will assist you in determining membership category:

LOCAL POLICE OFFICER

“...any officer or employee of a police department of a contracting agency which is a city, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly fall within the scope of active law enforcement service even though the employee is subject to occasional call, or is occasionally called upon, to perform

duties within the scope of active law enforcement service, but not excepting persons employed and qualified as patrol officers of equal or higher rank irrespective of the duties to which they are assigned.”
(*Government Code section 20425*)

LOCAL FIREFIGHTER

“...any officer or employee of a fire department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting, or active firefighting and prevention service, active firefighting and fire training, active firefighting and hazardous materials, active firefighting and fire or arson investigation, or active firefighting and emergency medical services even though that employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active firefighting, or active firefighting and prevention service, active firefighting and fire training, active firefighting and hazardous materials, active firefighting and fire or arson investigation, or active firefighting and emergency medical services, but not excepting persons employed and qualifying as firefighters or persons of equal or higher rank, irrespective of the duties to which they are assigned.” (*Government Code section 20433*)

COUNTY PEACE OFFICER

Sheriff

“...the sheriff and any officer or employee of a sheriff’s office of a contracting agency except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and functions do not clearly come within the scope of active law enforcement service even when such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs of equal or higher rank, irrespective of the duties to which they are assigned.”
(*Government Code section 20436*)

INSPECTOR, INVESTIGATOR, DETECTIVE

“...any inspector, investigator, detective, or person with a comparable title, in any district attorney’s office of a contracting agency whose principal duties are to investigate crime and criminal cases and who receives compensation for such service.” (*Government Code section 20436*)

LOCAL SAFETY OFFICER

“...any officer or employee of a public safety department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement or firefighting and prevention service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement or firefighting and prevention service, but not excepting persons employed and qualifying as patrol officers of equal or higher rank, or as firefighters, hose operators, of equal or higher rank, irrespective of the duties to which they are assigned.” This does not include persons employed to perform identification or communication duties. (*Government Code section 20424*)

LOCAL SHERIFF

If provided for by your agency contract, “...any officer or employee of a sheriff’s office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service even though the employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are assigned.” (*Government Code section 20432*)

OTHER SAFETY CLASSIFICATIONS—PROVIDED BY CONTRACT

Other classifications can be added to your Safety categories by amending your agency’s contract. The categories and classifications are

listed below. If your agency has contracted for these other safety classifications, they will be listed in your Annual Employer Statement.

LOCAL POLICE

If provided for by your agency contract, “. . . any officer or employee of a contracting agency other than a city or a county who is a peace officer as defined in the Penal Code and whose principal duties consist of active law enforcement but excluding clerical personnel or those whose principal duties are that of communication officer, identification officer, machinist, mechanic, security officer or are otherwise not clearly within the scope of active law enforcement, even though the person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.” (*Government Code section 20429*)

JUVENILE OFFICER

If provided for by your agency contract, “. . . any officer or employee of a juvenile bureau of a contracting agency whose principal duties consist of active law enforcement service except persons whose principal duties are clerical or otherwise clearly do not fall within the scope of active law enforcement, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.” (*Government Code section 20427*)

CITY JAILERS

If provided for by your agency contract, “. . . any officer of a contracting agency which is a city, who is employed in a jail or a detention or correctional facility and having as their primary duty and responsibility the supervision and custody of persons committed to the jail or facility. It shall not include persons employed as clerks, typists, teachers, instructors, or psychologists or to provide food, maintenance, health, or supporting services, even though responsibility for custody and control of persons so committed may be incident to, or imposed in connection with, that service.” (*Government Code section 20431*)

IDENTIFICATION AND/OR COMMUNICATION “A contracting agency may elect by amendment to its contract to include as ‘local police officer’ all persons who were employed to perform

MEMBERSHIP CATEGORIES

identification or communication duties on August 4, 1972 and who elect within 60 days of the effective date of such contract amendment to be local safety members. The election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on the effective date. This shall not apply to persons employed and qualified as patrol officers of equal or higher rank." (*Government Code section 20425*)

COUNTY PEACE OFFICER

Constable, Marshal

If provided by agency contract, "... the constable and each regularly employed deputy constable, marshal and each regularly employed deputy marshal of any judicial district." (*Government Code section 20437*)

Identification and/or Communication

"A contracting agency may elect by amendment to its contract to include as 'county peace officer' all persons who were employed to perform identification or communication duties on August 4, 1972 and who elect within 60 days of the effective date of such contract amendment to be local safety members. Such election shall apply to person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This shall not apply to persons employed and qualified as deputy sheriffs of equal or higher rank." (*Government Code section 20436*)

Probation Officer—Juvenile Hall

If provided by agency contract, "... probation officers, deputy and assistant probation officers, and persons employed in a juvenile hall or home and having as their primary duty and responsibility the counseling, supervision and custody of a group of youths assigned or committed to the hall or home. It shall also include persons employed as peace officers pursuant to Section 830.5 of the Penal Code, regardless of the administrative title of the position. It shall not include persons employed as teachers, instructors, psychologists, or to provide food, maintenance, health or other supporting services even though responsibility

for custody and control of youths may be incident to or imposed in connection with such service." (*Government Code section 20438*)

Park Rangers

If provided for by your agency contract, "...persons employed by a county parks and recreation department whose primary responsibility is maintaining the peace and whose duties include law enforcement, emergency medical care first response, or fire suppression and prevention in the Park Ranger class series." (*Government Code section 20441*)

County Jail—Custodial Employees

If provided by agency contract, "... employees of the sheriff employed in a county jail, detention or correctional facility and having as their primary duty and responsibility the supervision and custody of persons committed to such jail or facility, whether or not such employees are deputized. It does not include persons employed as clerks, typists, teachers, instructors, psychologists, or to provide food, maintenance, health or supporting services, even though responsibility for custody and control of persons so committed may be incident to, or imposed in connection with, such service or the employees are deputized." (*Government Code section 20439*)

Bailiffs

If provided by agency contract, "... employees of the sheriff employed to attend sessions of the superior or municipal courts and preserve order in the court-rooms, to guard and maintain the security of prisoners during court appearances or to summon jurors and take responsibility for them while they are deliberating or absent from the courtroom. It does not include persons employed as clerks, typists, teachers, instructors, or psychologists." (*Government Code section 20440*)

OTHER LOCAL SAFETY

Ocean Beach Lifeguards

If provided by agency contract, "... all employees of a city who have by contract been included within this System and whose principal duties consist of active protection, rescue, and rendition of aid or assistance to persons injured or imperiled in water areas at ocean beaches and the recovery from such waters of

MEMBERSHIP CATEGORIES

submerged objects and bodies of persons drowned or believed to have drowned in such areas, or the immediate supervision thereof, including persons employed to perform the duties now performed under the titles of aquatics director, chief lifeguard, captain lifeguards, lieutenant lifeguards, beach lifeguards, but who performs additional duties, some of which (including the maintenance of peace and order and apprehension of law violators) are customarily performed by police or peace officers, and whose other duties (such as resuscitation work involving the use of special equipment in cases having no connection with their principal duties) which in other areas are customarily performed by firefighters, and other and further duties which do not come directly within any of the aforesaid classifications but are essential to the safety and security of the public, excluding those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly do not fall within the scope of active lifeguarding or lifesaving service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active lifeguarding or lifesaving service.” (Government Code section 20421)

Emergency Medical Technician/Paramedic

If provided by agency contract, “local safety member” includes persons employed by a public safety employer who renders prehospital emergency medical care to ill or injured persons. The affected employees are those designated as Emergency Medical Technician-I, Emergency Medical Technician-II and Emergency Medical Technician-Paramedic, as defined in sections 1797.80, 1797.82 and 1797.84 of the Health and Safety Code (Government Code section 20422)

Harbor or Port Police Officer

If provided by agency contract, “local safety member” also includes any harbor or port police officer, employed by a contracting agency, who is a peace officer as defined in subdivision (h) of Section 830.31 of the Penal Code and whose principal duties consist of active law enforcement of the laws contained in Chapter 5 (commencing with section 650) of Division 3 of the Harbors and Navigation Code, the rules and regulations of the California Department of Boating and Waterways, and Chapter 2

(commencing with section 9850) of Division 3.5 of the Vehicle Code. (Government Code section 20423)

Park Rangers

If provided for by your agency contract, “...any park ranger employed by a contracting agency who is a peace officer as defined in subdivision (b) of Section 830.31 of the Penal Code and whose primary responsibility is maintaining the peace and whose duties include law enforcement, emergency medical care first response, or fire suppression and prevention.” (Government Code section 20423.5)

SCHOOLS

Local Police Officer

“Any officer or employee of a school district or a community college district which has established a police department pursuant to sections 39670 or 72330 of the Education Code, whose principal duties consist of active law enforcement service, except persons whose principal duties are clerical or otherwise clearly do not fall within the scope of active law enforcement, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement. This shall only apply to any school district or community college district which prior to June 30, 1982, had amended its contract to provide membership for local police officers” (Government Code section 20430)

School Safety Members

If provided by agency contract, “school safety member” includes any officer or employee of a school district or a community college district which has established a police department pursuant to Section 39670 or 72330 of the Education Code, whose principal duties consist of active law enforcement service, except persons whose principal duties are clerical or otherwise clearly do not fall within the scope of active law enforcement, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.” (Government Code section 20444)

MEMBERSHIP CATEGORIES

LOCAL FIREFIGHTER

Local Firefighter

“... officer or employee of a fire department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation service, even though that employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation service, but not excepting persons employed and qualifying as firefighters or persons of equal or higher rank, irrespective of the duties to which they are assigned.” (Government Code section 20434)

Fire Training

“... any officer or employee of a contracting agency performing a fire training function for a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting, fire prevention, fire training, or fire investigation service even though that employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active firefighting, fire prevention, fire training, or fire investigation service, but not excepting persons employed and qualifying as firefighters of equal or higher rank, irrespective of the duties to which they are assigned.” (Government Code section 20435)

H.R. 743 - SOCIAL SECURITY PROTECTION ACT OF 2004

On March 2, 2004, President Bush signed H.R. 743, the Social Security Protection Act of 2004, into law. Section 419(c) of H.R. 743 provides that any individual entering employment on or after January 1, 2005 in a position not subject to Social Security, be provided a written notice explaining the maximum effect not being subject to Social Security may have on the calculation of the primary insurance amounts and on the benefit amounts of monthly periodic payments or benefits.

The notice has been developed by the Social Security Administration “in language calculated to be understood by the average individual”. The written notice provided is to include a form for the individuals to complete and sign certifying receipt of the notice. Once completed and signed, the notification is to be submitted to the agency and to the retirement system the employing entity provides for its employees.

H.R. 743 is silent as to any reason for the certifications being submitted to the retirement systems, how long the certifications must be retained, or any retrieval capability requirements. The Social Security Administration (SSA) provides the notification, certification form and instructions to public employers through their website at www.socialsecurity.gov. Questions should be directed to your local social security office or to the SSA using the web address provided above.

CalPERS will provide any additional information on this topic as it becomes available. To make sure you receive this information and updates or notices on other topics important to California public employers, make sure you are signed up to receive CalPERS Broadcast Messages. To add your name and email address to the Broadcast Message distribution list, call our Employer Contact Center today at 888-225-7377.

ELECTRONIC ENROLLMENT

THE AUTOMATED COMMUNICATIONS EXCHANGE SYSTEM (ACES)

The Automated Communications Exchange System—ACES—is an on-line system that provides employers the ability to exchange membership, health, and payroll information with CalPERS on a transactional basis. ACES is free to all CalPERS business partners and can be accessed from an ordinary personal computer through a highly secure Internet web browser.

ACES consists of the following components:

- **Internet File Transfer.** Employers can transmit membership (AESD-1) and/or health (HBD-12) files securely from their internal human resources systems to CalPERS for processing. This functionality allows employers to leverage their existing systems to exchange information with CalPERS.
- **Internet Forms Data Entry.** Employers can enter membership (AESD-1) and/or health (HBD-12) data directly into on-line forms and securely submit them to CalPERS via the Internet. This functionality allows employers to submit individual transactions as needed rather than having to transmit an entire file.
- **Participant Inquiry.** Employers and health benefit carriers can securely perform data queries via the Internet. This query functionality allows employers and carriers to verify enrollments and track changes.
- **Account Management.** Employers and health benefit carriers can establish and manage ACES user accounts. This functionality provides self-service capability that significantly streamlines the process of creating and maintaining user ID's and passwords.

ACES benefits California's state and public employers (and hence their employees) by:

- **Reduced manual processing.** Because ACES allows employers to submit membership and health enrollments and changes directly to CalPERS via the Internet, there is less paper to handle and manually enter. The end result is improved customer service, as CalPERS and employers are able to focus on addressing members' needs

rather than on the time consuming tasks associated with manual processing.

- **ACES validations improve processing time and data quality.** ACES provides front-end edits (validations that prohibit employers from entering incorrect or incomplete information) to ensure that the required data and specific membership and health values are supplied to properly process transactions. This is a significant improvement over the manual process, where errors on paper forms had to be corrected and resubmitted, creating delays affecting both employers and CalPERS.
- **Self-service capabilities streamline the process for obtaining and maintaining user accounts.** The account management subsystem has significantly streamlined the former 17-step process for creating user IDs and passwords. Each employer can now create and maintain user IDs for their staff with little or no involvement from CalPERS. The process now consists of three steps, reducing the time to request, create, and distribute account information from several weeks to two days.
- **Activities are more easily tracked and monitored.** All activities are logged to include the date, time, submitter, agency, and content of transmitted data. This becomes an on-line electronic record of data sent and received, eliminating manual record keeping both by employers and CalPERS while providing a mechanism to resolve errors and problems more quickly

NOTE: To sign up for ACES or find out more about ACES, please contact **(888) CalPERS (225-7377)**

CALPERS (AESD-1) MEMBER ACTION REQUEST FORM

DOWNLOADING INSTRUCTIONS

If you currently **do not** have access to process membership transactions via ACES use the Member Action Request Form (AESD-1) Microsoft Word file template which can be downloaded for use on your computer. We are “working together” with our customers to assure a smooth transition into new improved streamlined processes.

In order to use the form on your computer, you must have Microsoft Word 97 or higher. To download and use the template, follow the instructions below:

- **Go to the CalPERS website at:**
www.calpers.ca.gov
- **Click “For Employers” button.**
- **Click “Employer Forms and Publications Directory” hyperlink.**
- **Click “Forms” hyperlink.**
- **Click “CalPERS Retirement Program Forms” hyperlink.**
- **Click on “Member Action Request, PERS-AESD-1” hyperlink.**

USING THE ONLINE AESD-1 FORM

1. When you open the online AESD-1 form, you may receive a dialogue message box prompting you to “Save” or “Open” the file. Choose the “Save” option. You will then be asked to determine the location on your hard drive where you want the file to be saved.
2. Close the AESD-1 online file. You must use the file saved to your hard drive to input information. If you add information to the on-line file and print a copy, you will not be able to save the data.

3. Use the “Tab” key to advance from field to field. You can also hold down the “Shift” key and use “Tab” to go through the fields in reverse order.
4. If an information field has specific data requirements, this information is displayed in the “Status Bar” at the lower left hand corner of your screen. For example, Box 2 (Current Name) has a maximum character limit.
5. In Box 7 (Address) the state field defaults to “CA”. However, you can change the state designation.
6. Based on the type of member transaction (appointment, address changes, permanent separations, etc.) there may be common or repeated data on every form you submit to CalPERS. These could include your employer code, coverage groups, etc. You may want to “Save” different versions of the form with the appropriate repeated data as a “new” template for specific transactions.
7. When the form is completed, print it out and send or FAX to CalPERS at the following address.

CalPERS Actuarial and Employer Services
Division P.O. Box 942709 Sacramento, CA
94229-2709 or FAX (916) 795-3005

If you have any questions or need assistance completing the form, contact the CalPERS Employer Contact Center at (888) CalPERS (225-7377).

An **example of the PERS- AESD-1** is on the following page.



(Please PRINT or TYPE clearly)

P.O. Box 942709
Sacramento, CA 94229-2709
Telephone (888) 225-7377
FAX (916) 795-3287
TDD (916) 795-3240

INCOMPLETE OR IMPROPERLY COMPLETED FORMS MAY BE RETURNED TO YOU

Member Action Request

1 SOCIAL SECURITY NUMBER - -		2 Current Name (First, Middle, Last)	3 Daytime Phone Number ()
4 Date of Birth MM DD YYYY	5 Gender <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Unknown	6 Former Name - For name changes only (First, Middle, Last)	
7 Mailing Address: In Care of (if applicable): Street/P.O. Box: Additional Address Line: City: State: CA ZIP Code: -		8 Remarks (pertaining to CalPERS)	
		9 Employer Name	
10 Effective Date of Action MM DD YYYY	11 Subject to Section 20306 <input type="checkbox"/> Yes <input type="checkbox"/> No	12 Employer Code	13 District Code (Schools only)
		14 Hire Date MM DD YYYY	

15 Type of Action (check all boxes that apply for this Effective Date; if none apply, indicate action needed in "Remarks" [#8] above):

- | | | |
|---|---|--|
| A. <input type="checkbox"/> Appointment/Membership | E. <input type="checkbox"/> Military Leave | I. <input type="checkbox"/> Alternate Retirement Plan (G.C. 20306) |
| B. <input type="checkbox"/> Return from Leave | F. <input type="checkbox"/> Worker's Comp Leave | J. <input type="checkbox"/> Name Change |
| C. <input type="checkbox"/> Separation, Permanent | G. <input type="checkbox"/> Sabbatical Leave | K. <input type="checkbox"/> Address Change |
| D. <input type="checkbox"/> Separation, Temp (\geq 2 months) | H. <input type="checkbox"/> Maternity/Paternity Leave | L. <input type="checkbox"/> Coverage Group Change |

16 Coverage Group	17 Job/Position Title	18 $\frac{1}{2}$ @ 55 Formula Cont. Rate: %
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19 ☐ - This person is an Optional Member (e.g., "Elective Officer," "Legislative Employee") who is electing membership.
(Please attach appropriate election form AESD-3, AESD-59, or AESD-229)

20 BASIS FOR MEMBERSHIP QUALIFICATION: (Optional informational field. Check appropriate box.)

- ☐ Full-Time for > 6 months
- ☐ Part-Time for \geq 20 hours for 1 year or more
- ☐ Indeterminate; at least 20 hours a week for 1 year or more
- ☐ Has completed 1,000 hours or 125 days in fiscal year
- ☐ Person is already a PERS member

21 Form Completed By:

(Name & Title)

(Telephone Number)

(Fax Number)

(Date)

(Signature of Certifying Officer)

(Date)

PERS-AESD-1 (02/2002)

Member Action Request Form (AESD-1): Quick Reference Guide
(Refer to CalPERS Procedures Manual for more detailed instructions)

NOTE: Submit AESD-1 only if a job/position change affects a person's retirement information (e.g., Name, Address, Coverage Group, etc.), or if the District Code has changed. Please ensure that all information is clear and legible. **Typing or printing** is preferred.

2. **Current Name:** In **First, Middle** (name *or* initial) and **Last** order. For a **Name Change** (e.g., due to marriage or divorce), enter the "correct" (current) name in Section #2; enter the **former** name (e.g., the name before marriage/divorce) in Section #6, and check the "**K – Name Change**" box in Section #15.
3. **Daytime Phone Number:** (Optional Field) Enter Area Code and telephone number of individual between 7 AM and 5 PM.
5. **Gender:** Check "Unknown" *only* if you are unable to contact the employee to verify the correct gender.
6. **Former Name:** See instructions for **Name Change** under Section "2" above.
9. **Employer Name:** Enter the **complete name** of your agency; avoid acronyms unless they would be **generally understood** (e.g., SMUD; BART) by CalPERS staff.
11. **Subject to Section 20306:** (Applies *only* to agencies that provide for such a plan.) Check "Yes" or "No," to indicate whether employee is subject to the **Alternate Retirement Plan** provisions of Government Code Section 20306, should her/his time base drop below 20 hours a week. (See Section 15, Box "I" for instructions when employee actually qualifies for the Alternate Plan.)
12. **Employer Code:** The 4-digit number (e.g., 0002, 1173) assigned by CalPERS to identify your agency.
13. **District Code:** This is required for **school employees only**. If you don't know the District Code, call us at 1-888-225-7377.
14. **Hire Date:** (For new hires being enrolled into membership only.) Date employee was first hired by your agency.
15. **Type of Action:** More than one box should be checked, **if the same effective date applies** to all. For example, if person's address changed at the same time that she/he separated, then **both** the "Separation, Permanent" and "Address Change" boxes should be checked. Some points to remember are:
 - **A – Appointment/Membership:** Check this for (1) new hires who qualify for membership, (2) current employees who have just now qualified for membership, (3) persons reinstating from retirement, and (4) persons electing "optional" membership (see Section #19 below).
 - **B – Return from Leave:** Should be checked when the person is returning from a temporary separation (Box "D"), or from any "Leave" status (Boxes E, F, G or H).
 - **D – Separation, Temp (>2 months):** Only used for separations of **two months or more** (do **not** report shorter separations).
 - **H – Maternity/Paternity Leave:** Should be checked when on an approved leave of absence to give birth and/or care for a newborn child.
 - **I – Alternate Retirement Plan:** Should be checked when a non-vested member working less than 20 hours a week must switch to an alternate retirement plan, pursuant to Government Code Section 20306 (added by AB 2400, Chapter 1164, Statutes of 1996). Section #11 should also have the "Yes" box checked.
 - **J – Name Change:** Sections 2 and 6 should also be completed.
 - **L – Coverage Group Change:** Should be completed when employee moves to a new Coverage Group (e.g., changes from a "miscellaneous" to a "safety" position). Section 16 must also be completed, showing the new Coverage Group.
16. **Coverage Group:** Please call us at 1-888-225-7377 if you have questions about the appropriate Coverage Group to use; e.g., you are unsure about whether a given position (such as "Police Cadet," "Director of Public Safety," "Fire Inspector," etc.) is "miscellaneous" or "safety".
19. **Optional Member:** Includes elective officers (e.g., members of County Board of Supervisors, City Council members), and Legislative employees (e.g., Senate and Assembly Rules Committees). When electing optional membership, the person must also complete an election form (AESD/MEM-59 for public agencies/schools, AESD/MEM-3 for Legislative employees and AESD/MEM-229 for other State employees). The completed election form should be attached and submitted with the AESD-1.

NOTE: The following persons are now **excluded** from CalPERS membership:

 - (1) School Board members elected on or after July 1, 1994;
 - (2) Members of an "administrative body" (e.g., board, commission, council) of a contracting agency other than a city or county, elected/appointed on or after July 1, 1994; or
 - (3) Members of a **city or county** "administrative" body (e.g., board, commission, council) elected/appointed on or after January 1, 1997.

Optional membership is still possible for persons elected *before* these dates, who have held office without a break in service.
20. **Basis for Membership Qualification:** This section is for use as an aid in determining when an employee should be brought into CalPERS membership; the most common qualification bases are indicated, and the appropriate box should be checked.
21. **Form Completed By:** The "Name & Title," "Telephone and Fax Numbers," and "Date" fields are for the person who is actually completing the AESD-1 form (who would be CalPERS' "contact" person if we have questions about the form); the "Signature of Certifying Officer" and "Date" fields are for the person (e.g., manager, supervisor, analyst or technician) who is responsible for certifying the accuracy of the data submitted.

ELECTION OF OPTIONAL MEMBERSHIP

PERS-AESD-59

PURPOSE

A completed and signed "Election of Optional Membership", form PERS-AESD-59, is required to validate and establish membership for an individual who qualifies as an "optional" member. [Government Code section 20322]. The form must be submitted with the "Member Action Request", form PERS-AESD-1, or after electronic membership filing as instructed below, to satisfy the legal requirements.

REFER TO THE "OPTIONAL' MEMBERS OF CalPERS" SECTION OF THIS MANUAL TO DETERMINE "OPTIONAL" MEMBERSHIP ELIGIBILITY.

WHEN TO COMPLETE

The AESD-59 should be completed only after it is determined that the individual does qualify for and requests optional membership.

- 1) The optional member must be advised of CalPERS rights when first eligible for membership but the election can be made at any time during the qualifying employment. Document in employer personnel records the fact that the information was provided as well as any direct response received. Do not send a notice to CalPERS if membership is declined.
- 2) The AESD-59 *should not be completed* as a request for additional information or service credit. It is to be used only when the person has decided to establish membership for the optional position.
- 3) The signed AESD-59 must be filed in CalPERS whether membership is established through submittal of a "Member Action Request", form PERS-AESD-1, or through electronic filing.
- 4) Agencies using the COMET/Corporate Registration System should include a cover letter with the AESD-59 to confirm the COMET transaction was processed.
- 5) Complete the AESD-59 and membership transaction when a current active or inactive member assumes an optional member position and wishes membership for that office.

OTHER GENERAL PROVISIONS AND INSTRUCTIONS:

- 1) For CalPERS retirement purposes, optional members qualifying under Section 20322 are considered to be full-time employees. (Government Code section 20899) Exclusions such as temporary, part-time, daily-paid, etc., in the Government Code and in an employer contract, do not apply.
- 2) Optional members excluded by an agency's CalPERS contract remain excluded regardless of any AESD-59 election filed. Typical exclusions that can apply are "elective officers", "Members of the Governing Body", and those citing specific position titles.
- 3) The optional member must receive compensation for membership to be established. Reimbursement of expenses is not considered compensation. Elimination or waiver of such compensation at a future date does not constitute a separation from membership as long as the person remains in an optional position with the employer.
- 4) Membership should not be established for an optional member unless the AESD-59 is signed and filed with the CalPERS Board of Administration in accordance with the "When to Complete" instructions.
- 5) Complete the Member Action Request AESD-1 form or the electronic membership input:
 - Show permanent full-time employment status.
 - Use a prospective membership effective date, usually the beginning date of next pay period so that it matches the effective date of contribution reporting to CalPERS. The membership date must be during the current term of appointment.
 - Use a coverage group appropriate to the miscellaneous or safety status of the optional position.

ELECTION OF OPTIONAL MEMBERSHIP

PERS-AESD-59

- Agencies providing modified coverage group codes should determine if the optional position is excluded for Social Security purposes. The actual time *required for the position*, regardless of the full-time status indicated on the AESD-1, is used to determine if Social Security time base exclusions apply. [The fact a particular officer may work more or less than what is required for the position should not be considered in this determination.
- 6) Submit the original signed form AESD-59 to CalPERS; retain copies for the member and employer personnel records.
- 7) Refer to the Payroll Reporting procedures "Payrate/Earnings Relationship" for normal contribution reporting instructions.
- 8) An optional member may elect to contribute and receive service for previous qualifying employment. When purchasing previous service credit, an officer must purchase all previous optional member service, not just part of it.
- 9) An officer who is no longer in office, but is currently an active or inactive CalPERS member, may also elect to contribute for previous qualifying optional employment
- 10) See the booklet "Service Credit Purchase Options" (PERS-PUB-12) or refer to the "Redeposit of Withdrawn Contributions and Other Types of Service Do not attach the inquiry to the AESD-59 or the AESD-1; it should be submitted separately.

Election of Optional Membership Form (AESD-59) Microsoft Word file template can be downloaded from your computer.

In order to use the form on your computer, you must have Microsoft Word 97 or higher. To download and use the template, follow the instructions below:

- Go to the CalPERS website at: www.calpers.ca.gov
- Click "For Employers" button.
- Click "Employer Forms and Publications Directory" hyperlink.
- Click "Forms" hyperlink.
- Click "CalPERS Retirement Program Forms" hyperlink, *click on "Election of Optional Membership – Elective Office, (PERS-AESD-59)" hyperlink.

If you have any questions or need assistance completing the form, contact the CalPERS Employer Contact Center at (888)CalPERS (225-7377).

INSTRUCTIONS TO COMPLETE THE (AESD-59) ELECTION OF OPTIONAL MEMBERSHIP

ITEM	INSTRUCTIONS
Officer Title	Enter the title of the office held by the applicant.
Agency Name	Enter the name of the agency.
Agency Contact & Phone Number	Enter the name of the contact person and phone number of the contact person.
My Present Term Will Expire	Enter the date (month-day-year) on which the term will expire.
Printed Name in Full	Enter the employee's full name.
Signature	Enter the employee's signature.
Date	Enter the date the employee signed this election form.
Social Security Number	Enter the employee's Social Security number. Verify with the Social Security card.
Address	Enter the employee's address.
Daytime Phone Number	Enter the employee's daytime phone number.
City & State	Enter the employee's city and state.
Zip Code	Enter the employee's zip code.

ELECTION OF OPTIONAL MEMBERSHIP PERS AESD-59 EXAMPLE FORM

California Government Code Section 20322, provides an "elective officer" is excluded from membership in the California Public Employees' Retirement System (CalPERS) unless he or she files with the Board of Administration an election in writing to become a member.

"Elective Officer" includes any officer of the Senate or Assembly who is elected by vote of the members of either or both the house of the Legislature and an appointive officer of a city or county occupying a fixed term of office, as well as officers of state or contracting agencies elected by the people. Exceptions are: (1) Effective July 1, 1994, elected or appointed officers of a county superintendents of schools, school district, or community college district, or of a contracting agency that is not a city or county, who serve on public commissions, boards, councils, or similar legislative or administrative bodies, other than city councils or county boards of supervisors, are excluded from membership with no right to elect optional membership unless continuously holding the office since June 30, 1994; (2) Effective July 1, 1994, any person holding the office of city attorney was continuously holding the office since June 30, 1994; (3) Effective January 1, 1997, city and county elected or appointed officers who serve on public commissions, boards, councils, or similar legislative administrative bodies, other than city councils or county boards of supervisors, are excluded from membership with no right to elect optional membership unless they have continuously held the office since December 31, 1996.

The election of optional membership may be filed at any time while a compensated elective officer hold the office and the office is not otherwise excluded by law or excluded by an agency's contract. Once elected, the membership, the membership remains in effect for all future service in an elective officer position with the same employer unless there is a significant break in employment. Once membership is established, it may be terminated only upon permanent separation from employment covered by CalPERS and subsequent withdrawal of retirement contributions. While a CalPERS member, you may contribute and receive credit for any previous eligible service in the elective officer position. The Member Services Division, P.O. Box 942704, Sacramento, CA 94229-2704, will handle any such requests to purchase previous service. The form to request optional member arrears service is on the CalPERS Website at www.calpers.ca.gov, or you may request the "CalPERS Service Credit Purchase Options" booklet from your employer, in which a copy of the "Optional Member Service" form (PERS-MSD-372) is included.

If your election for optional membership in CalPERS will result in concurrent service with employment credited in a private benefit plan or another public retirement system, please contact the organization for information regarding the impact of such concurrent service. If you election will result in concurrent service under CalPERS, please contact the Member Transactions Unit, Actuarial & Employer Services Division, at 888-CalPERS or (225-7377)

PLEASE COMPLETE AND RETURN THIS ENTIRE FORM TO YOUR PERSONNEL OFFICE SO THEY CAN ESTABLISH YOUR MEMBERSHIP

I AM AN ELECTIVE OFFICER AS DEFINED BY THE ABOVE, being a/the (enter Officer Title) _____ of the
(Agency name) _____ (Agency contact) _____ (Agency phone) () _____

My present term will expire on _____, 20_____. In accordance with the provisions of Government Code Section 20322, I ELECT TO BECOME A MEMBER OF CALPERS. **I request that this election be filed with the Board of Administration of the California Public Employees' (CalPERS) as my election to become a member.** I UNDERSTAND THIS ELECTION IS IRREVOCABLE AS LONG AS I REMAIN IN EMPLOYMENT AS A MEMBER.

_____ (Printed Name in FULL)	_____ (Signature)	_____ (Date)
_____ (SS Number)	_____ (Address)	
_____ (Daytime Telephone Number)	_____ (City & State)	_____ (Zip Code)

OVERTIME POSITIONS

Overtime may not be reported in membership to CalPERS, either as compensation, or as employment which will result in service credit being given. Government Code section 20635 defines "overtime" as follows:

Some situations which may arise in this connection are as follows:

"(T)he aggregate service performed by an employee as a member for all employers and in all categories of employment in excess of the hours of work considered normal for employees on a full-time basis, and for which monetary compensation is paid."

1. The member currently holds one full-time position subject to CalPERS, and accepts a second concurrent part-time position.

RESULT: The part-time position is deemed to be "overtime", and may not be reported to CalPERS.

2. The member holds more than one part-time position with the same CalPERS covered employer.

RESULT: The part-time positions cannot, when added together, generate more than full-time service and/or contributions to CalPERS. In most cases, CalPERS considers 40 hours a week to be the standard full-time time base. Therefore, the employer must limit the earnings/service reported to CalPERS for one or both positions so that the full-time limit is not exceeded

3. The member works more than one full-time position, either with the same employer (e.g., a school district) or with more than one CalPERS covered employer.

RESULT: A determination must be made by CalPERS and/or the member as to which employer will be reported to CalPERS as the "basic employer".

Pursuant to changes made in Section 20635 by Senate Bill 53, Chapter 1297, Statutes of 1993, the treatment of more than one full-time position has been changed; the crucial distinction now is whether the service in question was worked before or after July 1, 1994:

Service worked **AFTER JULY 1, 1994:** The position with the highest pay rate or base pay should be reported to CalPERS, with the other position deemed the non-reportable "overtime" position.

Service worked **BEFORE JULY 1, 1994:** The member has the right to elect which of the two full-time positions will be reported to CalPERS; CalPERS will, upon discovery of the second full-time position, send the member an election allowing this choice to be made. If no election is made (i.e., if the member does not respond to CalPERS' notification of election rights), the employment with the latest hire date will be deemed the non-reportable "overtime" position.

If the service began **before July 1, 1994 and continues after July 1, 1994**, the member will have the election rights indicated above only for the service before July 1, 1994.

NOTE: Check with your employee to see if they are currently employed at another CalPERS agency. If unsure, contact the Employer Contact Center at (888) CalPERS (225-7377).

BIRTHDATE DISCREPANCY

PURPOSE

The CalPERS-MEM-12 is used to certify the correct member's birth date. However, CalPERS may contact you by phone instead of sending the MEM-12.

WHEN TO COMPLETE.

ACTIVE MEMBER

- If there is a birthdate discrepancy and the birthdate has not been certified by CalPERS, you can process the change in ACES.
- However, if this is the second, third, etc. changes **OR** the birthdate has been certified by CalPERS, you need to contact CalPERS to have it changed.

INACTIVE MEMBER

- If the member has separated and finds he or she has provided a birthdate that is incorrect, CalPERS will request the member to provide one of the "Acceptable Documents" listed below.

ACCEPTABLE DOCUMENTS

The following is the list of acceptable documents, listed in the order of preference, to be used in resolving a birthdate discrepancy. The document submitted must not be altered. It will be returned after the correct birthdate has been established on our records.

1. *BIRTH CERTIFICATE or HOSPITAL BIRTH RECORD* established during the first few years of life. If you tell us the name of the state in which the member was born, we can furnish the address of that State's Bureau of Vital Statistics.
2. *CALIFORNIA DRIVERS LICENSE*
3. *NATURALIZATION/PASSPORT* (U.S. or Canada)
FOREIGN PASSPORT that includes a valid INS-94 form (Record of arrival and departure).

5. *BORDER CROSSING CARD* with a valid INS-94 form (includes "Mica" and "Laser Visa" border crossing cards).
6. *CHURCH BAPTISMAL, CRADLE or BLESSING RECORD*, which shows a date of birth and was established during the first few years of life.
7. *PRIMARY or SECONDARY SCHOOL RECORDS* showing age at certain year or birthdate. Write to the Superintendent of Schools to request records.
8. *NATURALIZATION, PASSPORT or IMMIGRATION DOCUMENTS*.
9. *RECORDS OF AGE OR BIRTHDATE* which are dated prior to 21st birthday, such as church, fraternal order, insurance, hospital, medical, adoption, guardianship, or newspaper notice of age.
10. *DELAYED BIRTH CERTIFICATE*. If you tell us the name of the state in which the member was born, we can furnish the address of that State's Bureau of Vital Statistics.
11. *CENSUS RECORDS* from federal or state government—preferably first two taken after date of birth. Federal records can be requested on form BC-600. This form will be furnished upon request.
12. *FAMILY BIBLE* in which birthdate was recorded within reasonable period of time after birth.
13. *SOCIAL SECURITY CERTIFICATION* documents which show the date of birth that has been established by the Social Security Administration (contact the Social Security Office where you applied for Social Security benefits).

In the event that none of the above listed documents are available, submit a written request to the Actuarial and Employer Services Division. If you have additional questions, feel free to contact the Employer Contact Center at (888)-CalPERS or (225-7377).

NOTICE OF CHANGE PERS-MEM-155 (CALPERS INITIATED FORM)

PURPOSE

This form is to inform Public Agencies of the following:

1. When the rate of contribution or effective date of membership must be changed or canceled;
2. To certify a rate of contribution for an employee who at the time of employment is a member of CalPERS through previous employment;
3. To notify your agency to correct, through payroll credit procedures, non-members or overtime earnings reported in error; and
5. To certify a rate of contribution due to reciprocity;
6. To notify your agency to correct the Coverage Group Code and any earnings and contributions reported in error; and
7. To notify "two-tier" agencies (providing two tiers/levels of retirement benefits) when a member elects to redeposit and is eligible for benefits from earlier employment with that agency.

SPECIAL INSTRUCTIONS

The MEM-155 is prepared by CalPERS. Correct your agency records as instructed on the form.



Reply to Section: 841:

PERS-MEM-155 (Rev. 03/00)

California Public Employees' Retirement System
Lincoln Plaza – 400 P Street – Sacramento, CA 95814

RECIPROCITY AND SIMILAR BENEFITS

FULL RECIPROCITY

“Reciprocity” has been established between the Public Employees’ Retirement System (CalPERS) and a number of public retirement systems in California. The purpose of the reciprocity provisions is to permit movement of employees from public employer to public employer while: (1) preserving, as far as reasonably possible, valuable retirement and related benefit rights; and (2) ensuring that no retirement system will be liable for more than its financial obligation.

There is no transfer of funds or service credit between retirement systems when an employee establishes reciprocity. The employee is a member of both systems and is subject to the membership and benefit obligations and rights of each system, except as they are modified by the reciprocity agreement. Upon retirement, separate retirement allowances are received from each system.

PUBLIC RETIREMENT SYSTEMS THAT HAVE ESTABLISHED RECIPROCITY WITH CalPERS:

1. The following counties maintain retirement systems under the County Employees’ Retirement Law of 1937:

Alameda	Sacramento
Contra Costa	San Bernardino
Fresno	San Diego
Imperial	San Joaquin
Los Angeles	Santa Barbara
Marin	Sonoma
Mendocino	Stanislaus
Merced	Tulare
Orange	Ventura

2. California public agency retirement systems of:
California Administrative Services Authority
City of Pasadena Fire and Police Retirement System
Concord, City of
Contra Costa Water District
Costa Mesa, City of (safety employees only)
East Bay Municipal Utility District
East Bay Regional Park Dist. (safety employees only)

Fresno, City of
Oakland, City of (miscellaneous employees only)
Long Beach Schools business Management Authority
Los Angeles, City of
Los Angeles County Metropolitan Transportation Authority (formerly Southern California Rapid Transit District)
Sacramento, City of
San Clemente, City of (miscellaneous employees only)
San Diego, City of
San Francisco, City and County of
San Jose, City of
San Luis Obispo, County of

3. The University of California Retirement System (UCRS). (Note: Service rendered prior to October 1, 1963 was covered by CalPERS.)

NOTE: With the exception of the University of California Retirement System, all of the retirement systems noted above also have reciprocity with each other as a result of their having established reciprocity with CalPERS.

CONDITIONS FOR ACQUIRING THE BENEFITS OF FULL RECIPROCITY

Where CalPERS rights and benefits are involved, CalPERS will recognize reciprocity upon movement between reciprocal retirement systems if the following requirements are met:

1. The employee voluntarily elects reciprocity and continues in membership in CalPERS by leaving his or her contributions (if any) on deposit; and
2. The employee enters into employment in which he or she becomes a member of the reciprocal retirement system within six months of a discontinuance of employment as a member of CalPERS.

Eligibility for reciprocity is determined by the retirement laws in effect at the time of movement between systems. The information contained here expresses current CalPERS law.

RIGHTS AND BENEFITS WITH FULL RECIPROCITY

Eligibility for reciprocity is determined by the retirement laws in effect at the time of movement between employers and retirement systems. The information contained here expresses current CalPERS law.

1. *Final Compensation:* Use highest compensation earnable under both systems in computing final compensation if retirement from both systems is concurrent.
2. *Qualification for Benefits:* Service in the other system may be used to meet minimum service requirements for benefits.
3. *Disability Retirement:* Retirement for disability is on the basis of retirement for disability in the other system. The amount paid, however, may not exceed the difference between the amount which would be paid by the other system if all of the member's CalPERS service were under that system, and the amount actually paid under the other system, but not less than an annuity which is the actuarial equivalent of the member's contributions. When retirement under the other system is for disability arising out of and in the course of employment under the other system, CalPERS pays an annuity which is the actuarial equivalent of the member's contributions.
4. *Death Benefits:* Continuous liability for the basic and special death benefits while the member is in employment as a member of the other system. The amount paid, however, may not exceed that amount which, when added to the death benefit paid by the other system, exceeds the maximum payable under that system.
5. *Membership Rate Age:* Use earlier age at entry into the other system in determining member contribution rate for a variable rate formula, if contributions were never withdrawn from the other system. Miscellaneous members and most safety members in CalPERS have retirement formulas with a fixed rate of contribution and are not affected by their age at entry into the other system.

The benefits of reciprocity apply only to a member whose termination and entry into employment resulting in a change in membership from CalPERS to another system or from another system to CalPERS occurred after the effective date that reciprocity was established between the two systems. However, the provision relating to the highest final compensation will apply to any other member if the provision would have applied had the termination and entry into employment occurred after the effective date that reciprocity was established.

Members who believe this provision might apply to their situation should contact the retirement system from which the movement occurred for additional information. They should also complete the "Notification of Change in Retirement System" form in the "When You Change Retirement Systems" booklet (PERS-PUB-16).

For more information on reciprocity, contact the Member Services Division, at (888) CalPERS (225-7377).

CALPERS BENEFITS ARISING FROM MOVEMENT TO CERTAIN NON-RECIPROCAL PUBLIC RETIREMENT SYSTEMS

FINAL COMPENSATION

The Public Employees' Retirement Law (PERL) provides that the compensation earnable during any period of service as a member of the following retirement systems will be considered as compensation earnable as a member of CalPERS for purposes of computing final compensation, if the member retires concurrently from both systems:

- State Teachers' Retirement System (STRS)
- Legislators' Retirement System (LRS)
- Judges' Retirement System (JRS)
- Judges' Retirement System II

There is no reciprocal agreements established between these systems and CalPERS. Only STRS has a similar provision for the use of highest final compensation in its retirement law.

The PERL also provides that the average salary during any period of service as a member of University California Retirement System (UCRS) will be considered as compensation earnable as a member of CalPERS for purposes of computing final compensation, provided the member retires concurrently from both systems. UCRS regulations do not have a similar provision except when reciprocity applies.

REDEPOSIT RIGHTS

A member of a reciprocal retirement system, or STRS, LRS, or JRS, may redeposit in CalPERS previously withdrawn CalPERS contributions in order to reestablish service credit in this system. No reciprocity benefits accrue to a member of a reciprocal retirement system who redeposits in CalPERS unless the member's earlier movement from CalPERS to the reciprocal system satisfied the time interval stipulated in the PERL.

The right to redeposit contributions is not one of the uniform reciprocal provisions; it varies among the different public retirement systems. Contact the particular retirement system to learn of its policy regarding redepositing.

RESTRICTION

A member's CalPERS contributions may not be withdrawn while the member is in active

employment as a member of a reciprocal system or STRS, LRS, or JRS.

PROCEDURES FOR ESTABLISHING RECIPROCITY

If the conditions for acquiring reciprocity are satisfied, reciprocity can be established by completing the "Notification of Change in Retirement System" form in the "When You Change Retirement Systems" booklet (PERS-PUB-16).

Direct requests or inquiries to:

California Public Employees'
Retirement System
Member Services Division
Member Election Unit, Section 841
P.O. Box 942704
Sacramento, CA 94229-2704

Persons retiring from another reciprocal system, STRS, LRS, or JRS who are inactive members of CalPERS, should note on their CalPERS retirement application their association with the other system, and retire concurrently, in order to obtain the benefit of the highest final compensation for computing their allowance under CalPERS.

GENERAL COMMENTS

CalPERS is governed by the Public Employees' Retirement Law (Government Code section 20000, et seq.); it is the basis of all of our decisions. The information presented here is general and every effort has been made to present it clearly and accurately. The retirement law is sometimes complex and subject to change. When there is a conflict, any decision will be based on the law.

CalPERS' authority extends only to applying and implementing the Public Employees' Retirement Law; it does not extend to applying and implementing the laws or regulations under which other public retirement systems are administered. Questions relating to rights, benefits and obligations under any of the other public retirement systems should be addressed directly to the appropriate system.

SERVICE CREDIT PURCHASE OPTIONS

REDEPOSITS

Members of this System have the right to redeposit contributions previously withdrawn from CalPERS. The redeposit of contributions restores service credit for previous employment. The member must redeposit the amount withdrawn, plus a sum equal to the interest, which would have accrued, had the member's funds been left on deposit. Interest will be charged from the first of the month following the date of withdrawal to the date of final payment. Payments may be made in one lump sum or by installment payments, or by a combination of an initial partial lump sum payment and the balance by installment payments. To receive this credit, a member's request must be filed with CalPERS before his/her retirement is effective (Government Code sections 20750 and 20752).

A member, whose ex-spouse received a portion from the member's account as part of a community property judgment or settlement AND took a refund of the contributions, can redeposit those funds in CalPERS.

To receive this credit, a member's request must be filed with CalPERS before his/her retirement is effective (Government Code sections 21020 and 21028).

SERVICE PRIOR TO MEMBERSHIP

"Service prior to membership" (SPM) is service rendered after the date of contract between a public agency, State or School District and the System, but before the employee entered CalPERS membership. Election to contribute for SPM will result in additional service credit. Persons who were employed under the following conditions are eligible for service prior to membership:

1. Those who worked the six months membership qualification period prior to July 18, 1961.
2. Those who worked the part-month membership qualification period between July 18, 1961 and October 1, 1963.
3. Those employed less than 87 hours per month or less than an average of 20 hours per week prior to becoming a member.

4. Those formerly employed in temporary or seasonal employment in which they were excluded from membership under Government Code section 20305.
5. Those optional elective officers, Governor appointees and Legislative employees who are excluded because of their failure to exercise their right of election of membership under Government Code sections 20320, 20322, 20324, or 21021 and are no longer working in an "optional" position. If still in an "optional" position, refer to the "Optional" Members of CalPERS" section.

To receive this credit, a member's request must be filed with CalPERS before his/her retirement is effective.

VERIFICATION OF SERVICE PRIOR TO MEMBERSHIP

When a member requests to purchase Service Prior to Membership they are provided with a "Request for Service Credit Cost Information Service Prior to Membership" form PERS-MSD-370. On this form they indicate the prior employer information including the period of employment and hours or time base worked per month. If this employment is with the State or with a California State University this is sent to CalPERS for processing. If this employment is with a Public Agency or County School, this form is then sent to that employer for certification. If the employer does not agree with the information provided by the member, the employer is asked to complete Section B on the reverse of the form with detailed employment information.

PUBLIC SERVICE AND LEAVES OF ABSENCE

There are certain conditions in which some leaves of absence and some public employment may be creditable under CalPERS. Questions on these types of service credit should be referred to CalPERS by following the instructions noted in the "Inquiries Section". To receive this credit, a member's written request must be filed with CalPERS before his/her retirement is effective.

To receive this credit, a member's written request must be filed with CalPERS before his/her retirement is effective.

SERVICE CREDIT PURCHASE OPTIONS

CREDIT FOR ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE

Government Code sections 20990 through 20998 provide that a member's absence from employment for military service may be eligible to receive credit for the absence at employer cost. To be eligible for this service credit the member must have:

1. Been in the employment of a CalPERS covered agency prior to entering military service.
2. Been granted a military leave or have resigned from employment for the purpose of entering active duty in the armed forces.
3. Entered active duty within 90 days after leaving agency employment.
4. Returned to employment with the same agency, the State, or another agency contracting with CalPERS within six months after discharge from active duty. If the member did not return to employment within six months after discharge, they may be eligible to purchase this service credit.

NOTE: To determine eligibility, a copy of the discharge or other document (such as DD214) indicating the beginning and ending dates of active duty must be submitted to the system.

A copy of the discharge document can be obtained from the National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO, 63132-5100. The member can also complete and mail in the Standard Form 180, available on their web site at www.nara.gov/regional/mprsf180.html.

CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT

Public Agency Members

Government Code section 21024 effective 1-1-75 and amended 1-1-77 provides that public agency members may be eligible to receive military service credit, provided:

1. Public agency amends their contract accordingly.
2. Military service was rendered prior to CalPERS membership with contracting agency which has amended their contract.
3. Member makes contributions required. Payments may be made in one lump sum or by installment payments.
4. Members may receive credit not to exceed four years.

Public Agency Retirees

Government Code section 21027 provides that public agency retirees may be eligible to receive credit for their military service, provided:

1. Public agency amends their contract for Government Code section 21024 and 21027.
2. Military service was rendered prior to CalPERS membership with contracting agency that has amended their contract accordingly.
3. The member retired immediately from the contracting agency and before the effective date of the agency's contract amendment for Government Code section 21024.
4. Retiree makes contributions required.
5. Retiree may receive credit not to exceed four years.

SERVICE CREDIT PURCHASE OPTIONS

MILITARY SERVICE CREDIT AS PRIOR SERVICE

Government Code section 20996 provides employees who are/were on a military leave at the time your agency contracts for CalPERS coverage and returned to employment with your agency within six months after discharge from active military duty, can receive prior service credit for the period of their absence. If your agency provides this benefit, former employees employed by other CalPERS employers would also be eligible for this service credit. Your agency would be liable for the cost.

CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT-

State and County School Members and Retirees

Government Code section 21029 provides that State employees and retirees may be eligible to receive credit for their military service. To be eligible the member or retiree must:

1. Currently be employed with or retired directly (within 120 days of separation) from the State employment.
2. Must have a minimum of one year of CalPERS service and one year of military service. Service is granted on a basis of one year of military service credit for each year of credited CalPERS service credit, not to exceed four years.
3. Make election to purchase the service credit.
4. In addition, State retirees must have retired on or after December 31, 1981.

The cost for the military service is based on current payrate, the amount needed to fund the benefit, and how much military service credit to purchase. State members can use the on-line Service Credit Cost Estimator on the CalPERS web site at www.calpers.ca.gov to get an estimate of this cost.

PEACE CORPS, AMERICORPS VISTA AND AMERICORPS

A member may be eligible to purchase credit for up to three years of service in the Peace Corps, AmeriCorps VISTA (Volunteers In Service To America) or AmeriCorps. The member must be able to provide CalPERS with documentation certifying their dates of service. If the member does not have a certification letter, one may be requested from:

Peace Corps

Attn.: Certifying Officer
Volunteer & Staff Payroll Services Division
1111 20th Street, NW
Washington, DC 20526

AmeriCorps Vista

Attn.: CNCS/AmeriCorps Vista Certifying Officer
1201 New York Avenue, NW
Washington, DC 20525

For all other AmeriCorps service, the member needs to contact the program they worked for to request a certification letter.

CONTRACT EXCLUSIONS

If the requested employment is excluded by the employer's CalPERS contract, the purchase of this service credit is not possible. If the exclusion was removed or superseded by law after the employment was rendered, service credit rights would depend on the Government Code provisions under which the exclusion was removed.

PAYMENT METHODS

A member may elect, at any time prior to retirement, to make contributions for redeposit or other types of eligible service credit. If a member elects a cash lump-sum payment, no notification will be sent to the employer.

If a member files with the System an election to redeposit or contribute for service prior to membership or other "public service" by installment payments, the System will certify and approve the election and send the agency an authorization for payroll deductions. **No deductions should be made until the authorizing MEM-823A is received.**

PRIOR SERVICE

"Prior Service" is rendered before the date of contract between a public agency and CalPERS or for service rendered before the effective date a contract exclusion is removed, pursuant to Government Code section 20503, for those in previously excluded classes. "Prior Service" is also service rendered for the State of California before January 1, 1932, or for part-time State Employment between January 1, 1932 and September 19, 1939 (Government Code sections 20930, 20931, 20933, 20934, and 20972.)

EXCEPTION

Local Safety-If the agency has a Local System, a Local System Waiver and a transfer of funds is required. If a member has withdrawn his/her funds, then a redeposit with interest is necessary (Government Code section 20523).

ADDITIONAL RETIREMENT SERVICE CREDIT

Government Code section 20909 allows eligible members to purchase up to 5 years of additional service credit if the following eligibility requirements are met:

1. Member must be actively employed in compensated employment at the time they request cost information, on or after 01/01/04.
2. Member must have a minimum of 5 years of earned service credit.
3. Employers do not need to contract for this service credit type.
4. Member may purchase service in whole year increments between 1 and 5 years.
5. This service credit cannot be used for retirement vesting, health benefits vesting, or to reach 10 years of service for enhanced disability retirement benefits.

AUTHORIZATION FOR CONTRIBUTION AND/OR RATE ADJUSTMENT PERS-MEM-823A (CALPERS INITIATED FORM)

PURPOSE

To certify the amount of contributions due from the employee for arrears, service prior to membership, redeposit, military service credit, partially compensated leave of absence or other instances when payment is due from the member.

SPECIAL INSTRUCTIONS

1. The MEM-823A is prepared by CalPERS. It authorizes your agency to make an extra deduction each service period for contributions due CalPERS from the member. Report the payment as a separate line entry on your payroll listing, using a Contribution Code 04 or 14. If the member has more than one payment with the same contribution code (04 or 14), payments can be reported together or separately. If the payments have a different contribution code (04 or 14), the payments need to be reported separately. If the member elects additional service credit all payments are to be taken concurrently, unless notified by CalPERS.
2. The amount of the payment is in addition to the normal contributions being reported each pay period
3. Do not apply the changes in contribution rate and/or extra deductions prior to the effective date shown on the MEM-823A. Do not change payment amount, number of payments, or payroll reporting type without contacting CalPERS.
4. Contribution Code 04 and 14 deductions must not be reported unless authorized by a form MEM-823A.
5. It is the agency's responsibility to take only the number of Code 04 or 14 deductions authorized. CalPERS will not notify you to stop deductions. If the payments exceed the original schedule, the agency will be responsible for backing-out the overpayment(s) to CalPERS and refunding the member.
6. It is not necessary to return a copy of the MEM-823A to CalPERS to indicate deductions are being taken.
7. If a member pays the lump sum, a notification will be sent requesting the deductions be stopped with a specific pay period. It is the agency's responsibility to stop the deduction as of the specified pay period. If the member leaves employment at your agency, contact CalPERS immediately.



AUTHORIZATION FOR CONTRIBUTION AND/OR RATE ADJUSTMENT
PERS-MEM-823 A PAUC
Telecommunications Device for the Deaf – (916) 795-3240
Telephone – (888) 225-7377

EMPLOYER CODE	EMPLOYER	AGENCY UNIT CODE	MAILING DATE		
SOCIAL SECURITY NUMBER	MEMBER NAME	COVERAGE GROUP			
EFFECTIVE DATE	CONTRIBUTION TYPE	CONT. CODE 04	NO. OF PAYMENTS	PAYMENT AMOUNT	PAYROLL TYPE

Instructions:

- Begin payments starting with the above effective date. If there is a change in the effective date notify CalPERS.
- The member elected after-tax payments. Use contribution code 04 to report the payments.
- DO NOT change the payment amount or number of payments without authorization from CalPERS.
- If the member separates, contact CalPERS immediately.
- If your agency payroll reporting type changes, contact CalPERS. DO NOT change the payment amount without authorization.
- If the member has more than one payment with the same contribution code (04 or 14) payments can be reported together or separately. If the payments have a different contribution code (04 or 14), the payments need to be reported separately. If member elects additional service credit all payments are to be taken concurrently, unless notified by CalPERS.
- It's the agency's responsibility to ensure that the correct number of payments is reported to CalPERS. If payments exceed the original schedule, the agency will be responsible for backing out the overpayment(s) to CalPERS and refunding the member.

If you have any questions, please contact this office.

Service Payment Unit
Member Services Division

EMPLOYER COPY
(For Personnel and Payroll Transactions)